

POCSO Case No. 29 of 2023
ST 03 (05) 2024
Women PS, Sadar, Cooch Behar PS Case No. 142/2023 dated 16.10.2023

Order No. 01 Dated 13.05.2024

Accused **Jyotish Barman** is produced from J/C.

Accused Kalyani Roy on court bail is present by filing hazira.

Ld. Advocate for the accused and Ld. Special PP are present.

Heard the Ld. Counsel of the party. Perused the materials on record and CD. Considered.

The case is formally opened.

Having gone through the materials on record and considering the submission of the Ld. Counsel of the party, it appears prima facie that a case punishable **U/s 6 POCSO Act read with Section 376(2)(1)/376AB/506 IPC** is well established against the accused Jyotish Barman and **u/s 6 / 17 of POCSO Act** is well established against Kalyani Roy.

The content of charge is read over and explained to the accused persons in Bengali to which they pleaded individually not guilty by saying " Ami Nirdosh" and claimed to be tried individually.

Accordingly, a charge is framed against the accused persons and kept in the separate sheets.

Prosecution by filing application u/s 311 of CrPC prays for examination of the deaf and dumb VG along with in presence of Special interpreter, Indrajit Talukdar of Samagra Shiksha Mission, Cooch Behar under DCPO, Cooch Behar, since their does not transpires amongst the CS witnesses.

Seen. For ends of Justice the prayer is considered and allowed.

Fix **20.06.2024** for evidence of **the VG u/s 311 of CrPC along with Indrajit Talukdar, Special interpreter attached to Samagra Shiksha Mission, Cooch Behar under DCPO, Cooch Behar and production of the accused.**

and **21.06.2024** for evidence of **CSW- 1** and production of accused.

In terms of the circulated judgment /direction of the Hon'ble Court in CRR No. 854 of 2011 dated 12.12.2022 vide Hon'ble Court's Notification No. 438-RG dated 21.01.2023, O.C., Women PS, Sadar, Cooch Behar is directed to cause appearance of the witnesses as per schedule and IO to remain present before the Court on the date fixed along with alamat, CD apart from the witnesses and in his/her absence of the IO to produce the witnesses through some competent police officers, on the date fixed positively, I.d. necessary order will be passed.

Now the defence by filing petition has prayed for bail of the accused.

Copy served on the prosecution.

A separate copy for service of the same filed.

For the purpose of hearing of the petition, notice upon the de facto complainant/victim girl is a prerequisite in terms of Rule 4 (13) of the POCSO Rules, 2020.

Accordingly, issue notice upon the defacto complainant/victim girl at the instance of the prosecution through O.C., Women PS, Sadar, Cooch Behar with a copy of the notice.

Fix to dates (20.06.2024 & 21.06.2024) for production and evidence.

CD be produced on the date fixed.

Inform O.C., Women PS, Sadar, Cooch Behar through Email and G.R.O., Cooch Behar for strict compliance.

Dictd. & Cortd. by me.

Judge, POCSO Court ,
-cum- Addl. District & Sessions Judge,
2nd Court, Cooch Behar

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-cum- Addl. District & Sessions Judge,
2nd Court, Cooch Behar