

In the court of Judge Special Court (EC Act)- Cum- Additional

District and Sessions Judge, 2nd Court, Sadar, Cooch Behar

POCSO Case No. 51 of 2022

Present :-

**Sri Shyam Sundar Das,
Judge POCSO Court-Cum-
Addl. Dist. & Sess. Judge,
2nd Court, Cooch Behar.**

Order No. 01, dt. 28.10.2022 :-

Received the original case record from the Court of Ld CJM, Cooch Behar along with accused persons namely Rintu Barman @ Amar and Sushanta Das u/s-12 of POCSO Act and they are taken into custody.

Seen all the documents.

Registered the same as POCSO Case being POCSO Case No. 51/2022 in the relevant case register.

For the accused bail application is filed praying for bail on the ground stated therein which is strongly opposed by Ld P.P on the ground that the 164 statement of the victim girl is yet to be recorded and in perspective of the facts and circumstances and the alleged offence at this stage the accused should not be enlarged on bail.

A fresh vokalatnama is filed by the defacto complainant Narayan Ch. Sarkar along with a petition. Let it be kept with the record.

Heard both sides.

Perused the case record including the FIR and forwarding report and also considered the allegations against the accused.

Considered.

Having regard to the factual aspects and the offence alleged to have been committed by the accused at this stage prayer for bail of the accused persons stand rejected.

Both the accused persons are remanded to J/C till 01.11.2022.

Call for C.D.

To 01.11.2022 for production and I.O's report.

I.O files a petition praying for recording of statement of the victim girl (X), aged about 13 years, D/O- Narayan Ch. Sarkar of Baro Shalbari, P.O-Hatiram Shalbari, P.S-Kotwali, District-Cooch Behar U/s-164 of Cr.P.C accompanied by lady constable being no.895 Purnima Barman.

Victim girl is produced along with her aunt before Court by I.O.

Heard Ld P.P in-charge as well as I.O.

Prayer is considered and allowed.

Ld. Chief Judicial Magistrate, Cooch-Bihar is requested to record the statement of the victim girl, either by himself or by any other Ld. Judicial Magistrate assigned by him U/s-164 of the Cr.P.C in accordance with law and in compliance with the provision of section 25 and 26 of the POCSO Act, 2012 and return the case record along with the statement recorded U/s 164 of the Cr.P.C in a sealed cover after completion of recording and after observing all formalities and to release the victim girl with a direction to I.O to hand over the V.G to her aunt.

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Contd. Order No.01, dt. 28.10.22 :-

Ld. Chief Judicial Magistrate, Cooch-Bihar is further requested to follow the guidelines in connection with CRA No. 517/2017 passed by Hon'ble Justice Bibek Chowdhury on 16.12.2021.

Victim girl along with her aunt be produced before that Court accordingly.

Audio Recorder also be produced before the court of Ld. CJM, Cooch Behar for recording the statement of victim girl u/s-164 of Cr.P.C.

Let the case record be placed before the Ld. Chief Judicial Magistrate, Cooch-Bihar for compliance.

To date (01.11.2022) for production and I.O's report.

Dictated & Corrected,

Judge POCSO Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar

Judge POCSO -Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar
JO Code No. WB 00634