

Ghoksadanga PS-67/2024 (Reg. No: POCSO-02/2024)  
CNR No. - WBCB09-000013-2024  
J.O. Code - WB01362

Present: Smt. Peden Dukpa, Ld. Principal Magistrate, JJB, CBR

Present: Smt. Runa Ganguly, Board Member, JJB, CBR

Present: Sri. Kamalesh Ch. Biswas, Board Member, JJB, CBR

**Order No-02**

**Dt: 22.02.2024**

Today is fixed for production of the CCL, counselling report from the CCI, CD and situation report from I.O., SIR from Probation Officer, CBR.

No SIR is received today. Issue strong reminder at once.

CCL is produced before this Board with proper escort from the Korok Home, Jalpaiguri with proper escort. He is taken into safe custody.

Counselling report is received from the CCI. Let the same be kept with the record.

CD is received from the I.O. along with Situation Report, Ld. PP-in-charge is present.

Ld. Advocate files a bail petition on behalf of the CCL through his guardian/uncle.

Counselling is done by the Counselor of this board and report to that effect has been filed.

Let the same be kept with the record.

We have interacted with the CCL at length and scrutinized the record and considered all submissions.

Now the record is taken up for hearing of bail petition.

Heard both sides Ld Counsel. Ld. PP raised strong objection.

Perused the situation report, it appears that there is a tension between the parties. There is an allegation that the parents of the CCL are creating pressure upon the mother of the V.G to withdraw the case.

Perused the CD and the materials available in the CD, especially the situation report of the area where he resides.

We have interacted with the uncle of the CCL, who is present before the Board today and find that CCL is uneducated and he has never been send to school by his parents.

Considering all aspects and keeping in mind the welfare of the CCL, release of the CCL at the moment can render him psychological and physical danger and the release of the CCL will defeat the end of justice. Moreover this Board finds that the proper counselling of the CCL is required.

Hence, the CCL is remanded to protective custody at Observation Home for safety, security and welfare and also rendered psychological counseling.

As such prayer for bail is rejected at this stage.

The CCL is remanded to protective custody in Observation Home.

The Superintendent, Korok Home Jalpaiguri is directed to make necessary arrangement for regular counselling of the CCL while in protective custody and forward all reports on the next date fixed positively.

GRO, JJB is directed to make necessary arrangement to produce the CCL before Superintendent, Korok Home, Jalpaiguri with proper escort, safety & security.

The escort team is directed to take care regarding the safety & security of the CCL during his transit to Korok Home, Jalpaiguri.

The Superintendent, Korok Home Jalpaiguri is further directed to ensure safety, security of the CCL during his stay at the Korok Home, Jalpaiguri.

Let a copy of this order be served upon the Superintendent, Korok Home Jalpaiguri at once.

Call for CD along with fresh situation report.

Let a copy of this order be served upon the I.O. through the O/C of Ghoksadanga PS, Cooch Behar at once.

G.R.O of this board is also directed to inform the I.O. at once.

CD be returned today.

Fix **29-02-2024** for production of the CCL, Counselling report from the CCI, SIR, CD and fresh Situation Report.

D/C

**Later:**

On perusal of the record it appears that the CCL is aged about 17 years on the date of alleged incident. It further appears that the offence alleged against the CCL is under section 363/365/109 of IPC R/W Sec. 6 of POCSO Act which is heinous in nature as per Juvenile Justice (Care & Protection of Children) Act 2015.

Sec 15 of the said Act mandates Preliminary Assessment with regard to the mental and physical capacity of a child who is above 16 years but below 18 years and is to committee heinous offense and ability to understand the consequences of the offense and circumstances in which he committed the offense.

Therefore, considering all aspects, the CCL be produced before the Expert Panel constituted vide Government of West Bengal, Dept of Health and Family Welfare bearing Memo no: HFW-27020/1/2019 SFWB SEC(DHS)(HFW)-Dept of H&FW/714 dated 06-06-2019 to assess the capacity of the child to commit and understand the consequences of the alleged offence.

This assessment parameters shall include the mental and physical capability of the child to commit such alleged offence, ability of the child to understand the consequences of the offence and the circumstances in which he allegedly committed the offence.

The Superintendent of Jalpaiguri District Hospital, Jalpaiguri is requested to arrange expert panel (consist of Superintendent of District Hospital as Chairperson, Medical Officer as Member, Psychiatrist as Member, Clinical Psychologist as Member) for the purpose of Preliminary Assessment of the CCL by **29-02-2024**.

This assessment parameters shall includes the mental & physical capability of the Child to committee the alleged offence U/S- 363/365/109 of IPC R/W Sec. 6 of POCSO Act.

Accordingly, The Superintendent of Korok Home of Jalpaiguri is directed to produce CCL namely Firdush Haque @ Firdous Ali (16+ years) before the Expert Panel of Jalpaiguri Dist. Hospital for Preliminary Assessment with maintaining the Covid-19 protocol and submit the report by the next date fixed along with Counselling Report.

Todate.

D/C

<b>Sd/-</b> (Smt.Peden Dukpa) Principal Magistrate Juvenile Justice Board Cooch Behar	<b>Sd/-</b> (Smt.Runa Ganguly) Board Member Juvenile Justice Board Cooch Behar	<b>Sd/-</b> (Shi.Kamalesh Ch. Biswas) Board Member Juvenile Justice Board Cooch Behar	<b>Sd/-</b> (Smt.Peden Dukpa) Principal Magistrate Juvenile Justice Board Cooch Behar
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