

SESSIONS CASE NO.06 OF 2024
CNR-WBCS01-000118-2024
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO.WB01132

Order no.07 dated 09.05.2024

To-day is fixed for production of the accused person and hearing of the petition dated 12.02.2024 filed on behalf of accused person praying for a direction upon the Investigating Officer of this case to inquire in the matter of Juvenility of the accused person together with the report dated 20.03.2024 filed by the I.O. of this case.

The accused person namely Alfaz Sekh is produced before this Court from J.C.

Ld. Counsel appointed from the LADCS, Kolkata for the sole accused person is present by filing hazira.

Ld. P. Ps.-in-charge are present by filing haziras.

The record is taken up for hearing of the petition dated 12.02.2024 filed on behalf of accused person praying for a direction upon the Investigating Officer of this case to inquire in the matter of Juvenility of the accused person on the date of alleged occurrence together with the report dated 15.04.2024 filed by the I.O. of this case.

Ld. Counsel for the accused person submits that the accused person has claimed through his petition from the Correctional Home addressed to the Secretary, DLSA, Kolkata that he was a juvenile at the time of alleged commission of the crime and therefore Ld. Counsel for the accused person has prayed for sending the case record to Juvenile Court for trial of this case.

Ld. P.P.-in-charge draws the attention of this Court to the report dated 20.03.2024 along with the annexures submitted by the I.O. of this case wherefrom it is explicit that the accused/petitioner namely Alfaj Sekh was not at all a juvenile on the date of commission of the alleged crime and the Ld. P.P.-in-charge accordingly prayed for rejection of the petition dated 12.02.2024 filed on behalf of accused person namely Alfaj Sekh as the same is misconceived.

The I.O. in his report submitted that from the school documents and Aadhar Card it is crystal clear that the accused person namely Alfaj Sekh was not at all a juvenile on the date of alleged occurrence.

Heard both sides.

Perused the case record as well as the report dated 20.03.2024 along with the annexures submitted by the I.O. of this case.

It transpires from the FIR and the formal FIR that the date of commission of the alleged offence was 08.11.2023 and it is explicit from the photocopies of School Transfer Certificate, School Character Certificate and School Admission Register submitted with the report of the I.O. on 20.03.2024 that the date of birth of the accused person namely Alfaj Sekh son of Aisuddin Sk. was on 01.01.1999 and as per the photocopy of the Aadhar Card bearing no.208624626951 the date of birth of the accused person namely Alfaj Sekh son of Aisuddin Sekh was on 03.04.2000.

Continued.....

Continued order no.07 dated 09.05.2024

Having heard the submission of both sides and also considering the report dated 20.03.2024 submitted by the I.O. of this case and also on perusal of the documents submitted by the I.O., this Court is of the considered view that on the date of commission of the alleged offence the age of the accused person namely Alfaj Sekh was more than 24 years and 10 month as per school certificates and more that 23 years and 7 months as per Aadhar Card and the accused/petitioner namely Alfaj Sekh was not at all a juvenile.

Thus, the petition dated 12.02.2024 filed on behalf of accused person namely Alfaj Sekh being devoid of any merit stands **rejected**.

Fix **12.06.2024** for production of the accused person and consideration of charge.

The accused person is remanded to J.C. till date.

D/C by me

Sd./-
Chief Judge
City Sessions Court
Calcutta

Chief Judge
City Sessions Court
Calcutta