

In the Court of the Additional District & Sessions Judge, 2nd Court,
Balurghat, Dakshin Dinajpur.
Special (POCSO) Case No.04 of 2026 (CIS No.04/2026)
CNR NO : WBDD01-000012-2026
Present :- Smt. Anindita Ganguli (J.O Code No.WB 00836).

19
17.04.2026

Today is fixed for production and supply of copy.

Accused Montu Das is produced from J/C through VC.

Ld. Special PP-in-charge & Ld. Defence Advocate are present.

Copy could not be served as the accused has not been produced.

At this stage, a bail application is filed for the custody accused Montu Das. Copy served.

Ld. Defence Advocate prays for bail on the ground that the accused is in custody for considerable period and he is languishing just at the whims of the Superintendent of BCCH as copy could not be served till date.

Ld. Special PP-in-charge raises vehement objection against the prayer for bail as vital sections of law are involved.

Having perused the materials on record and considered the submissions of both sides, it transpires that in the instant case bail cannot be offered in favour of the accused only because of his period of detention. The sections of law so involved and the role of the accused prima-facie, does not call for enlargement of the accused on bail. **The prayer for bail accordingly, stands rejected.**

While careful scrutiny of the case record, it reveals that charge sheet has been accepted on 02.01.2026 against this sole accused and since then the case record is pending at the stage of supply of copy and the same could not be done due to non production of the accused from custody. Service of copy upon an accused, is not a mere formality, but it is the right of the accused to go through the documents alleging the accusations against him and also to conclude that all vital documents needed for the defence during trial has been duly supplied.

Thus, non production of the accused is violating the right of the accused for speedy trial and is also affecting the right of the victim so involved.

Thus, I find it proper to draw the attention of Superintendent of Police, Dakshin Dinajpur, to the fact that physical production of the accused is necessary on the date of first production, supply of copy and consideration of charge, examination of the accused U/s-313 of Cr.P.C and delivery of judgment.

Special (POCSO) Case No.04 of 2026 (CIS No.04/2026)

CNR NO : WBDD01-000012-2026

Present :- Smt. Anindita Ganguli (J.O Code No.WB 00836).

Conrn.....

In this context, Superintendent of Police, Dakshin Dinajpur is hereby requested to issue necessary direction upon the concerned Department to facilitate the production of the accused persons physically on the days highlighted above. In the absence of such production, the smooth functioning of the justice delivery system will be jeopardized.

The Superintendent of BCCH, Dakshin Dinajpur is hereby directed to cause the production of the accused Montu Das physically before this court on the date fixed so as to facilitate the court to supply the copy and for consideration of charge.

Let a copy of this order be sent to the Superintendent of BCCH, Dakshin Dinajpur for strict compliance.

Let a copy of this order be sent to the Superintendent of Police, Dakshin Dinajpur for necessary direction.

Fix **27.04.2026** for production and supply copy.

Accused be remanded to J/C till the next date.

D/A to comply.

Dictated & corrected by me

Judge

**Spl. Judge (under POCSO Act)-cum-ADJ,
2nd Court, Balurghat, Dakshin Dinajpur.
(J.O Code No.WB 00836)**