

**ORDER SHEET FOR SESSIONS RECORD**

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, 2<sup>ND</sup> COURT,  
BALURGHAT, DAKSHIN DINAJPUR**

**Special (POCSO) Case No.02 of 2024**

**Special Trial No.29(05) of 2024**

**CIS Registration No.03/2024**

**CNR NO : WBDD01-000068-2024**

**Committing Officer,**

**CHARGES**

**Under Sections 363/365/376(3) of Indian Penal Code & Section 6 of POCSO Act & Section 9 of Prohibition of Child Marriage Act against Apurba Bhuimali and U/s-363/34 of Indian Penal Code & Section 8/17 of POCSO Act against Madhabi Das Bhuimali, Sadhan Bhuimali, Bishal Bhuimali, Sudhan Bhuimali & Sanjay Bhuimali**

The charge is read over and explained to the accused who pleaded not guilty and claimed to be tried.

- 1. Apurba Bhuimali,**
- 2. Madhabi Das Bhuimali,**
- 3.Sadhan Bhuimali,**
- 4.Bishal Bhuimali,**
- 5.Sudhan Bhuimali &**
- 6.Sanjay Bhuimali**

The following Juror/Assessors were chosen-

Foreman

Juror/Assessors

For the State-----Ritobrota Chakraborty/Anjan Kumar Chakraborty

For the Accused---Nirmal Saha/Gautam Sarkar

# **Special (POCSO) Case No.02 of 2024**

**Special Trial No.29(05) of 2024**

**CNR NO : WBDD01-000068-2024**

**01**

**15.05.2024**

Accused Madhabi Das Bhuimali, Sadhan Bhuimali, Bishal Bhuimali, Sudhan Bhuimali & Sanjay Bhuimali on C.B are present before this court.

Accused Apurba Bhuimali is produced before this court from J/C.

Today is fixed for production, appearance and consideration of charge.

Ld. P.P. and Ld. Defence Counsel are present.

Draft charge filed by Ld. P. P. Perused the same.

Record is taken up for charge hearing.

Heard Ld. Special P.P. Heard Ld. Defence counsel. Perused the materials on record and C.D.

Prima facie, it appears that there are sufficient materials to frame charge against the accused Apurba Bhuimali for offence punishable under sections 363/365/376(3) of I.P.C and section 6 of POCSO Act and section 9 of Prohibition of Child Marriage Act and against the accused Madhabi Das Bhuimali, Sadhan Bhuimali, Bishal Bhuimali, Sudhan Bhuimali & Sanjay Bhuimali for offence punishable under sections 363/34 of I.P.C and section 6/17 of POCSO Act and section 10 of Prohibition of Child Marriage Act.

Accordingly charge is framed against the accused accused Apurba Bhuimali for offence punishable under sections 363/365/376(3) of I.P.C and section 8 of POCSO Act and section 9 of Prohibition of Child Marriage Act and against the accused Madhabi Das Bhuimali, Sadhan Bhuimali, Bishal Bhuimali, Sudhan Bhuimali & Sanjay Bhuimali for offence punishable under sections 363/34 of I.P.C and section 6/17 of POCSO Act and section 10 of Prohibition of Child Marriage Act.

The substances of accusation is read over and explained to the accused persons to which the accused persons pleaded not guilty of offence by saying each accused "nirdosh" and claimed to be tried.

Charge is framed in a separate sheet and kept in the record.

To **24.06.2024** for production & examination of C/S witnesses No.1 & 2.

To **25.06.2024** for production & examination of C/S witnesses No.3 & 4.

To **26.06.2024** for production & examination of C/S witnesses No.5 & 6.

Issue summons accordingly.

Prosecution shall produce the witnesses and the alamat, if any, so that schedule does not fail.

An application for bail of accused is filed today.

**Issue notice upon the defacto complainant.**

**BC-II to comply.**

To date i.e., on **24.06.2024** for production, appearance of defacto complainant, hearing of bail application dated 15.05.2024 and evidence.

Accused be remanded to J/C till next date.

Dictated & corrected by me

**Judge**

**Spl. Judge (under POCSO Act)-cum-ADJ,  
2<sup>nd</sup> Court, Balurghat, Dakshin Dinajpur.  
J.O Code No.WB 00690.**

**CHARGES WITH FIVE HEADS**

**[No. XXVIII(II),Schedule V, ACT V, 1898.]**  
**{Sections 221, 222, 223, Code of Criminal Procedure}**  
**Special (POCSO) Case No.02 of 2024**  
**Special Trial No.29(05) of 2024**

**CNR NO : WBDD01-000068-2024**

Name and office of  
Magistrate, &c.

I, Smt. Sharanya Sen Prasad, Additional Sessions Judge, 2<sup>nd</sup>  
Court, Balurghat, Dakshin Dinajpur hereby charge you, as follows :-

Name of accused  
persons

**Apurba Bhuimali,**

State the  
offence

**Firstly :-** That you on 16.11.2023 at about 08:00 hours at village Badalpur (Vikahar), under PS Tapan, District Dakshin Dinajpur kidnapped the victim girl 'X' aged about 15 years took or enticed out of keeping of the lawful guardian without their consent and that you thereby committed an offence punishable **under Section 363 of the Indian Penal Code**, and within the **cognizance of this court**.

**Secondly :-** That you after on 16.11.2023 took the victim girl to Delhi with intent to cause her to be secretly and wrongfully confined the victim girl 'X' aged about 15 years and that you there by committed an offence punishable **under Section 365 of the Indian Penal Code**, and within the **cognizance of this court**.

**Thirdly :-** That you after on 16.11.2023 at Delhi committed rape upon the victim girl 'X' aged about 15 years and that you there by committed an offence punishable **under Section 376(3) of the Indian Penal Code**, and within the **cognizance of this court**.

In cases tried by  
Magistrate omit "by  
the said Court."

**Fourthly :-** :- That you after on 16.11.2023 at Delhi committed aggravated penetrative sexual assault upon the victim aged about 15 years and that you there by committed an offence punishable **under Section 6 of the POCSO Act,2006** and within the **cognizance of this court**.

In cases tried by  
Magistrate omit "by  
the said Court."

**Fifthly :-** :- That you after on 16.11.2023 at Delhi being a male adult above eighteen years of age, contracted a child marriage with one child aged about 15 years and that you there by committed an offence punishable **under Section 9 of the Prohibition of Child Marriage Act,2006** and within the **cognizance of this court**.

And I, hereby direct that you be tried by the said Court on the said charge.

The above mentioned charge is read over and explained to the accused person to which he pleaded not guilty of offence and claimed to be tried.

**Dated : the 15<sup>th</sup> day of May, 2024.**

**Spl. Judge (under POCSO Act)-cum-ADJ,  
2<sup>nd</sup> Court, Balurghat, Dakshin Dinajpur.  
J.O Code No.WB 00690.**

**CHARGES WITH THREE HEADS**

**[No. XXVIII(II),Schedule V, ACT V, 1898.]**  
**{Sections 221, 222, 223, Code of Criminal Procedure}**  
**Special (POCSO) Case No.02 of 2024**  
**Special Trial No.29(05) of 2024**

**CNR NO : WBDD01-000068-2024**

Name and office of  
Magistrate, &c.

I, Smt. Sharanya Sen Prasad, Additional Sessions Judge, 2<sup>nd</sup>  
Court, Balurghat, Dakshin Dinajpur hereby charge you, as follows :-

**1. Madhabi Das Bhuimali, 2. Sadhan Bhuimali, 3. Bishal  
Bhuimali, 4. Sudhan Bhuimali & 5. Sanjay Bhuimali**

State the  
offence

**Firstly :-** That you on 16.11.2023 at about 08:00 hours at village Badalpur (Vikahar), under PS Tapan, District Dakshin Dinajpur in furtherance of common intention kidnapped the victim girl 'X' aged about 15 years took or enticed out of keeping of the lawful guardian without their consent and that you there by committed an offence punishable **under Section 363/34 of the Indian Penal Code**, and within the **cognizance of this court.**

**Secondly :-** That you all after on 16.11.2023 at Delhi in furtherance of common intention abetted an offence upon the victim aged about 15 years and that you thereby committed an offence punishable **under Section 6/17 of the POCSO Act,2006** and within the **cognizance of this court.**

**Thirdly :-** That you after on 16.11.2023 at Delhi in furtherance of common intention abetted the VG aged about 15 years to marry with Apurba Bhuimali and that you thereby committed an offence punishable **under Section 10 of the Prohibition of Child Marriage Act,2006** and within the **cognizance of this court.**

In cases tried by  
Magistrate omit "by  
the said Court."

And I, hereby direct that you be tried by the said Court on the said charge.

The above mentioned charge is read over and explained to the accused persons to which they pleaded not guilty of offence and claimed to be tried.

**Dated : the 15<sup>th</sup> day of May, 2024.**

**Spl. Judge (under POCSO Act)-cum-ADJ,  
2<sup>nd</sup> Court, Balurghat, Dakshin Dinajpur.  
J.O Code No.WB 00690.**