

**In the Court of Learned Judge, Under POCSO Act  
Gangarampur at Buniadpur, Dakshin Dinajpur.**

**Spl. Case No. 19 of 2023**

**CNR No. WBDD05-000451-2023**

**JO CODE No. WB-842**

**Present- Smt. Melissa Gurung**

**Judge under POCSO Act**

**Gangarampur at Buniadpur,**

**Dakshin Dinajpur.**

**Order no.06 dated 21-06-2024**

Accused **Rana Hamid** on C.B is present by filing hazira and also files an application praying for time for hearing.

Defacto-complainant is present by filing hazira.

The State is also present in Court.

The application for time is rejected.

An application is submitted by the prosecution stating that the I.O of the case cannot be present for hearing as he has been suspended and the prosecution is prepared for hearing.

The record is taken up for hearing of the *Naraji* application in the absence of the I.O.

Heard all sides. Considered.

Perused the materials in the record and the C.D.

The Ld. Advocate for the defacto complainant submits that the FIR in this case was submitted against three (03) persons with clear allegations against the accused Nos. 2 and 3 being Jabedur Khan and Saifur Rahaman but the I.O of the case did not investigate the case properly and submitted charge sheet only against the accused No.1 i.e. Rana Hamed Khan and did not send up the other two persons in the charge sheet.

It is contended that the 161 of the Cr.P.C statements of the witnesses were noted without actually examining the witnesses and is story concocted by the I.O who with the intention of releasing the two accused persons did not put their names in such statements despite the fact that direct allegation is made against them in the F.I.R.

Perused statements of the witnesses u/s 161 of the Cr.P.C where I find no incriminating materials against the accused persons Jabedur Khan and Saifur Rahaman. I also go through the statement of the victim recorded u/s 164 of the Cr.P.C and find that even in this statement there is no allegation made against these accused. In fact, they are not named at all.

**Contd.....**

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The argument of the Ld. Advocate for the defacto complainant regarding the concoction of the materials of the materials in the statement u/s 161 of the CrPC may be believed but the said fact is not applicable to the statement of the victim recorded u/s 164 of the CrPC as the said statement is recorded by the Judicial Officer. If there was any allegation against the accused persons not charge sheeted then such statement in the event of being made by the victim would have definitely have been recorded.

Therefore, from the materials on record I do not find any merit in the prayer of the Ld. Advocate for the defacto complainant so as to accept his *Naraji* application and direct further investigation in the case.

Therefore, the application is rejected.

While rejecting the application, I would like to mention here that if at the time of trial from the evidence of record the Court finds that these accused persons or any other persons must be arraigned as accused in this case then such arraignment is possible under the law and the defacto complainant/victim will not be overly prejudiced by the rejection of the application for further investigation.

Fix **28-01-2025** for appearance and charge.

Dictated & Corrected by

Judge, under POCSO Act  
Gangarampur at Budp.  
Dist.- Dakshin Dinajpur.

(Melissa Gurung)  
(WB-00842)  
Judge, under POCSO Act  
Gangarampur at Budp.  
Dist.- Dakshin Dinajpur.