

Sessions Case No. 13/14

Order No.1

24.03.2014

Accused Anirudhya Roy @ Sujay and Amit Haldar @ Bhola are on Court bail and present.

Today is fixed for consideration of Charge.

Ld. Lawyer for the accused Amit Haldar @ Bhola filed one petition previously with a prayer for discharging of the accused as there is no prima-facie case against him for framing charge.

I heard this matter of both sides.

It appears from the Case Record the allegation is that one minor deaf and dumb girl was missing from her residence. Thereafter, on 07.10.13 she was traced out as she had been admitted at Medical College, Siliguri. According to the Medical Report she was raped. Thereafter, police started investigation and during investigation police arrested both the accused persons. It also appears that T.I parade of accused Anirudhya Roy @ Sujay was held during investigation, but the T.I parade of accused Amit Haldar @ Bhola was done after completion of investigation i.e after submission of charge-sheet and in the T.I parade Amit Haldar @ Bhola was not identified by the victim. In the C.D there is no prima-facie materials or incriminating materials against the accused Amit Haldar @ Bhola for the alleged offence. Why the I.O has submitted C.S against the accused Amit Haldar @ Bhola is totally unexplained. In the 161 statement of the witness the name of the accused Amit Haldar @ Bhola has not been transpired.

So, considering all papers, police report, I find that there is no prima-facie materials against accused Amit Haldar @ Bhola for commission of the alleged offence. So, he is to be discharged from this case. But against accused Anirudhya Roy @ Sujay there is prima-facie materials under sections 363/376(2)(i)(l)(m) I.P.C read with section 4 of Protection of Children from Sexual Offences Act, 2012.

Ld. P.P submits that he has sufficient evidence to prove the case against accused Anirudhya Roy @ Sujay. So, Charge is framed accordingly against accused Anirudhya Roy @ Sujay of the above sections. The substance of accusation is read over and explained to the accused in "Hindi" in which he pleads "not guilty". The original Charge form be kept with the record.

Ld. P.P files a petition under section 311 Cr.P.C praying for examination of the victim girl whose name has not been incorporated in the C.S.

Hence,

O r d e r e d,

that accused Amit Haldar @ Bhola is **discharged** from this case under section 227 of Cr.P.C and he is also released from bail bond.

The prayer of the Ld. P.P under section 311 Cr.P.C is **allowed**.

Let the case be fixed in the following schedule for examination of the prosecution witnesses :-

18.08.2014 for examination of the victim girl and C.S.W No.1.

Ld. P.P files another petition stating that the victim girl is a deaf and dumb and without an interpreter she can not be examined. He has prayed

for deputing an interpreter on the date of examination of the victim girl.

Heard both sides.

It appears that the victim girl is deaf and dumb. So she should be examined through an interpreter.

Under this circumstances, the prayer of the Ld. P.P is ***allowed***.

The Principal of Deaf and Dumb School, Darjeeling is requested to depute an expert on the date of examination of the victim girl i.e on **18.08.2014** to interpret the answers of the deaf and dumb victim girl.

Copy of this order along with the summons be sent to the Deaf and Dumb School, Darjeeling.

Prosecution to take steps.

Accused as before.

Dictated and corrected
by me,

(Santanu Misra)
Additional Sessions Judge
2nd Court, Darjeeling
24.07.2014

Additional Sessions Judge
2nd Court, Darjeeling