

Order No. 37 Dated: 01.11.2023

Today is fixed for production of the accused and evidence.

Accused Saroj @ Pappu Tamang is produced from Correctional Home.

Ld. Special P.P is present. Ld. Advocate for the accused is also present.

Ld. Special P.P submitted that no witness is present.

BC-I reported that summons to the witlessness were not issued.

On hearing Ld. Spl. P.P it reveals that there is no possibility of examining any witness in this schedule.

Accordingly existing schedule is postponed.

Fix **28.11.2023** for evidence of CSW Nos. 4 and 7.

Fix **29.11.2023** for evidence of CSW Nos. 8 and 9.

Fix **30.11.2023** for evidence of CSW Nos. 10 and 11.

Issue summons to the witnesses.

Ld. Special P.P to take steps.

Bail application is filed for the accused.

Ld. Lawyer for the accused submitted that in the FIR, complainant described VG as his daughter but during evidence complainant stated that VG is daughter of his brother.

In the FIR name of the accused is not noted but during evidence VG reveals that accused is husband of her sister. It is submitted that during medical examination no injury on the body parts of VG was detected and DNA report is not against the accused. No cogent document relating age of VG was produced by prosecution. It is submitted that VG and accused were arrested from Chennai in the month of July, 2022 and brought to Darjeeling. Since then accused is in custody. It is submitted that complainant and VG have already been examined in this case, there is no chance of absconding and tampering with the evidences and prays for bail.

Ld. Spl. P.P opposes prayer for bail and submitted that the accused kidnapped minor VG, took her to Chennai, confined her there and due to sexual assault VG became pregnant.

On perusal of case record and evidence recorded, it appears that sufficient evidence gathered against the accused. Several witnesses left for examination.

Considering above prayer for bail is rejected.

Accused be remanded to J/C till **28.11.2023**.

Sd/-
Special Judge,
Under POCSO Act, 2012
Darjeeling.