

Special (C) 16 of 2024 (Reg. No. 16/2024)
State Vs Subash Khaling
(Lodhoma P.S Case No. 08/2024 dated 19.07.2024 under Section 4 of POCSO Act)
Trial No.

Order No. 01 dated: 24.09.2024

Today is fixed for production of accused and report of I.O.

Accused Subash Khaling is produced before this Court.

Fresh V.nama for accused is filed.

Report of I.O in view of order No. 10 was received on 23.09.2024.

Ld. Spl. P.P and Ld. Lawyer for accused are present.

Accused on 10.09.2024 filed application for bail and on that day defacto complainant appeared by filing V. nama and by swearing affidavit submitted before this Court that dispute has been settled amicably outside court and raised no objection regarding prayer of bail of accused.

This Court by sending copy of affidavit directed I.O of this case to verify affidavit filed by defacto complainant.

Report of I.O received by this Court on 23.09.2024 shows that someone called defacto complainant at Sadar Court, Darjeeling, complainant came to Darjeeling court on 31.08.2024 and someone asked her to sign on affidavit and without knowing, understanding contents of affidavit she signed on affidavit.

Ld. Lawyer appearing for accused submitted has falsely been implicated in this case. He is in custody since 20.07.2024, there is no chance of absconding or tampering with evidences and prays for bail.

Ld. Special Public Prosecutor opposes prayer for bail and submitted that accused forcefully committed rape on victim girl.

On perusal of case record and case diary this Court does not find cogent reason to allow prayer for bail.

Prayer for bail is rejected.

Copy is ready and supplied to accused.

Record is taken up for consideration of charge.

Heard both sides.

Perused the record.

On perusal of case record it appears that application against the accused is that in between March, 2024 and 17.07.2024 accused Subash Khaling more than once committed penetrative sexual assault on victim girl, aged about 16 years at village Shantigram, Langurdang under Lodhoma P.S, district Darjeeling.

Contd... P/2

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It appears that there is sufficient ground to presume that accused Subash Khaling has committed offence u/s 6 of POCSO Act and u/s 64(1) of BNS.

Charge u/s 6 of POCSO Act and u/s 64(1) is framed against accused Subash Khaling.

Charge, so framed, is read over and explained to accused in Nepali to which he pleads not guilty by saying "***Kasur Chhaina***" and claims to be tried.

Charge, so framed, against the accused be kept with record in separate sheet of paper.

Fix **19.10.2024** for evidence of CSW No. 2 (VG) and CSW No. 1.

Fix **06.11.2024** for evidence of CSW Nos. 3 and 4.

Fix **07.11.2024** for evidence of CSW Nos. 5 and 6.

Fix **08.11.2024** for evidence of CSW Nos. 7 and 8.

Fix **11.11.2024** for evidence of CSW Nos. 9 and 10.

Issue summons to the witnesses.

O/C, Lodhoma P.S is directed to serve summons to the witnesses and send report of service of summons to this Court before day of evidence.

O/C, Lodhoma P.S is directed to send alamats of this case on the date fixed.

Ld. Special Public Prosecutor is requested to take step for attendance of witnesses.

Copy of this order be sent to O/C, Lodhoma P.S for compliance.

Accused shall be produced on the above dates.

Sd/-

Special Judge,
Under POCSO Act, 2012
Darjeeling.