

Spl (C) 66 of 2016  
CNR No. WBDJ 010008242016  
Reg. No. 98 of 2016  
State Vs Mukesh Hari @ Harizan  
Siliguri P.S case No. 380/16 dated: 24.05.16 u/s 363/365/376 of IPC 4of POCSO Act

**Order No. 58 Dated: 26.09.2024**

Today is fixed for appearance of accused persons and report of I/C Siliguri P.S.

Accused Mukesh Hari on bail is absent by a petition under Section 317 of Cr.P.C.

Ld. Counsel for the accused submits that the accused could not appear before this Court on the ground stated in the petition. Ld. Lawyer for the accused prays for dispense with personal attendance of the accused and to permit him to represent the accused during recording of the evidence u/s 317 Cr.P.C in absence of accused. Ld. Lawyer further submits that he will not challenge the identity of the accused person during trial.

Heard both sides.

Considered. Prayer is allowed.

Ld. Counsel for the accused is permitted to represent the accused person u/s 317 of Cr.P.C.

Ld. Special P.P is present and files hazira of witness Bina Routh.

PW-7 Bina Routh is tendered for cross examination by prosecution and defence declined cross examine PW-7 and discharged.

Record shows that by the order dated 18.10.2023 this Court passed order over report of I/C Siliguri P.S that CSW No. 9 Dr. Saikat Saha, CSW No. 10 Dr. Rumi Maitra, CSW No. 3 Bina Routh, CSW No. 4 Laxmi Sardar, CSW No 8 Minu Routh and CSW No. 11 Inspector Debasish Bose could not serve as they are not available within Siliguri jurisdiction.

Today CSW NO 3 Bina Routh appeared.

It appears from report that whereabouts of CSW No. 9, 10 and 11 are not known.

Ld. Lawyer for accused submitted that 7 witnesses have been examined, this case is for the year 2016 and prays for to pass strict order.

On perusal of case record it appears that 7 witnesses were examined including victim girl. This is case u/s 365 of IPC and u/s 4 of POCSO Act. Rest witnesses who are cited in charge sheet are required to be examined for just decision of this case.

Contd... P/2

Considering above this Court is of opinion that rest witnesses are required to be examined.

Issue summons to CSW Nos. 9, 10 and 11 through Controlling Officer of their department.

Issue fresh summons to CSW Nos. 4 and 5.

Fix 04.12.2024 for evidence of CSW Nos. 4.

Fix 05.12.2024 for evidence of CSW Nos. 5 and 9.

Fix 06.12.2024 for evidence of CSW Nos. 10 and 11.

Accused is directed to remain present on the above mentioned dates.

I/C Siliguri P.S is directed to take all endavours to service of summons to the witnesses and ensure their attendance on the date fixed.

Copy of this order be sent to I/C Siliguri P.S for compliance.

Sd/-

Special Judge,  
Under POCSO Act, 2012  
Darjeeling.