

H.C Criminal Form No.(M)21

ORDER-SHEET FOR SESSIONS RECORD

In the Court of Additional Sessions Judge, 2nd Court, Darjeeling
-cum-Special Judge, under POCSO Act
D a r j e e l i n g

Spl.(C)No.65/16
S.T No 60(10)/16

Committing Officer.

Charge under section 6 of POCSO Act

The Charge is read over and explained to the accused who pleaded " Not guilty "

No. 1. Jayanta Barman

The following Jurors/Assessors were chosen-

Foreman.

For the State- Sri Pranay Rai, Ld. P.P

For Accused- Sri Ajit Gurung

a n d

Sri Nima Tshering Bhutia

Order No.1
27.10.16

Accused Jayanta Barman is produced from J/C.

Ld.P.P is present with C.D.

Today is fixed for framing of Charge.

Heard both sides at length. Considered.

Perusing the C.D I find there is ground for presuming that the accused person has committed an offence punishable under section 6 of POCSO Act, which is exclusively triable by this Ld. Court. Accordingly, the substance of accusation under section 6 of POCSO Act, is read over and explained to the accused person in which he pleaded "not guilty" and claimed for trial.

Fix **06..12.16** for evidence of prosecution witnesses.
Issue Summons Accordingly.

Dictd.& corrted.by me,

(Anupam Mukherjee)
Additional Sessions Judge
2nd Court-cum-Special Judge
Under POCSO Act,Darjeeling

A.S.J,2nd Court
-Cum-Spl. Judge,
Under POCSO Act,DLg.
L a t e r.....

One bail application has been filed and another application for return to the vehicle with xerox copy of Power of Attorney by the accused and the Power of Attorney holder.

Now, the bail application is taken up for hearing in presence of the Ld. P.P, who opposes the prayer for bail stating that if bail be granted there is every chance of tampering with the evidence of the prosecution witnesses. Ld. Advocate for the accused stated that C.S has already been subdmitted, investgation is over and at this stage there is no chance of hampering the investigation by the accused and above all when Charge has been framed against the accused he is praying for bail on any condition as deem fit and proper by the Ld. Court.

Perused the record and considering the facts and circumstances of the case I think when Charge has been framed against the accused person and investigation is over and when the accused is in custody since 17.07.16, he should not be detained in Jail further.

Therefore the prayer for bail is ***a l l o w e d***.

In the event of release the accused may furnish a bail bond of Rs.2,000/- with 2 sureties of Rs.1,000/- each,subject to satisfaction of Ld. C .J.M,Dlg.

Let copy of this order be sent to Ld. C.J.M,Dlg. For information and taking necessary action.

If on bail todate for evidence i.d production and evidence.

Later.....

The application for return of the vehicle being No.**WB-74D-1743** is taken up for hearing.

Hd. Ld. Advocate for the petitioner Nani Gopal Barman and the Ld.P.P.

A report is called for from O.C,Khoribari P.S regarding the ownership of the said vehicle and its present status.

Fixing 06.12.16 for report.

Let the copy of the order be sent to O.C,Khoribari P.S for information and taking necessary action.

Dictd.& corrted. By me,

(Anupam Mukherjee)
Additional Sessions Judge
2nd Court-cum-Special Judge
Under POCSO Act,Darjeeling

Special Judge,Dlg.