

ORDER SHEET FOR MAGISTRATES RECORDS

District: Darjeeling

IN THE COURT OF : ADDITIONAL DISTRICT & SESSIONS JUDGE
KURSEONG, DARJEELING (W.B) – 734203.

SPECIAL CASE NO 02 / 2023

State

Vs

Bijay Thapaaccused

Order No.	Date	Order with signature of Magistrate	Office Note as to action taken order (if any) and date.
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Order No. 01
Dt. 06.03.2023.

Received one original case record arising out of Kurseong PS Case No. 38 of 2023. Dt. 04.03.2023 U/s 363/354D/506/509/376 of IPC R/w sec 6 of POCSO Act along-with FIR, Forwarding Report, Seizure List and other materials from the Ld. ACJM Kurseong.

Sole accused Bijay subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Cognizance is taken.

Note in Special Case register.

Let the Case be registered as Special case.

Inform Ld. PP accordingly.

A Bail petition supported by a fresh Vakalatnama has been filed on behalf of the accused.

Let the Bail petition be kept with the record for hearing in presence of the VG/Defacto Complainant with their objection if any at the time of hearing of the Bail petition on the next date.

Fix. 20.03.2023. for production of accused and hearing of bail Petition and IO's Report.

Issue notice upon the VG/Defacto Complainant calling upon them to appear and raise objection if any against the Bail petition filed on behalf of the accused.

Call for the CD from the IO.

D/c by me

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Additional District & Sessions Judge
Kurseong

Later.

Dt. 06.03.2023.

Having heard the submission of Ld. Special PP in Charge and on perusal of the Record admittedly it appears that the IO of this Case has filed a petition praying for passing necessary order for recording statement of the Victim Girl U/s 164 Cr.P.C.

Prayer is considered and allowed for the interest of investigation.

Ld. Judicial Magistrate Kurseong is accordingly requested to record the Judicial Statement of the Victim Girl of this Case U/s. 164 Cr.P.C.

The IO is accordingly directed to produce the Victim girl before the Ld. Judicial Magistrate Kurseong as and when the Ld. Magistrate asked him to produce the VG for that purpose.

Let the Case Record be placed before the Ld. Judicial Magistrate Kurseong for her information and necessary action at the earliest.

D/c by me.
POCSO Act,

Special Judge

Spl 02 of 2023
Order No. 02
Dt.13.03.2023

The record is put up today on receipt of a prayer from SI Subrata Dutta the IO of this case for passing an order for capability test of the accused Bijay Subba.

Heard Ld. Special PP incharge.

Prayer is considered and allowed for the interest of investigation.

Let the accused Bijay Subba be produced before the Medical Officer at Kurseong SD Hospital for his medical as well as potency test examination as prayed for by the IO of this case.

The Superintendent Kurseong Sub Correctional Home to co-operate with the IO accordingly in production of the accused before the Medical officer at Kurseong SD Hospital as and when the date has been fixed by the Kurseong SD Hospital for examination of the said accused.

Let copies of this order be supplied to the Superintendent Kurseong SD Hospital and the Superintendent Kurseong Sub Correctional Home through the IO of this case for their information and taking necessary action.

D/c by me

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Special Judge POCSO
Kurseong.

Spl 02 of 2023

Order No. 03

Dt.20.03.2023

Today is the date fixed for production of accused and hearing of his bail petition and I/O's report. Sole accused Bijay Subba in JC is produced from the JC and remanded again to the JC till further date of production.

Received SR of notice an endorsement there on that the VG could not be trun up before this court today as her exam is going on.

The I/O of this case has filed to petitions out of which one is for supply of the copy of statement u/s 164 CrPC and another is for passing an order for capability test of the accused Bijay Subba at the department FSM, NBMCH.

Heard Ld. Special PP in charge.

Prayers are considered and allowed for the interest of investigation.

Let the copy of the statement u/s 164 CrPC be supply to the I/O.

Let the accused Bijay Subba be produced before the Medical Officer at the department FSM NBMCH for his capability test as prayed for by the IO of this case.

The Superintendent Kurseong Sub Correctional Home to co-operate with the IO accordingly in production of the accused before the Medical officer at the department FSM, NBMCH as and when the date has been fixed by the the said department of NBMCH for examination of the said accused.

Let copies of this order be supplied to the HOD Department of FSM,NBMCH and he Superintendent Kurseong Sub Correctional Home through the IO of this case for their information and taking necessary action.

Fixed 03.04.2023 for production of the accused and hearing of his bail petition and I/O's report.

D/c by me

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Special Judge POCSO
Kurseong.

Spl 02 of 2023
Order No. 04
Dt.03.04.2023

Today is the date fixed for production of accused and hearing of his bail petition and I/O's report. Sole accused Bijay Subba in JC is not produced from the JC due to non availability escort for deployment of police personal for the purpose of G-20 Summit at Darjeeling. Accordingly the accused not being physically produced remanded again to the JC till further date of production.

No report received yet from the I/O's.

Fixed 17.04.2023 for production of the accused and hearing of his bail petition and I/O's report.

Issue fresh notice upon the VG/ defacto complainant calling upon them to appear on the next date and to file objection if any against the bail petition of the accused.

D/c by me

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Special Judge POCSO
Kurseong.

Spl 02 of 2023
Order No. 05
Dt. 17.04.2023

Today is the date fixed for production of the accused and hearing of his bail petition and I/O's report. Sole accused Bijay Subba in JC is produced from the JC and remanded again to the JC till further date of production.

The bail petition is taken up for hearing in presence of accused, defacto-complainant and both sides counsels.

The defacto-complainant cum alleged VG of this case in response to the notice appeared before this Court today and on dock raised her objection to grant bail in favor of the accused.

Ld. advocate for the accused submits that the accused is in J/c since 06.03.2023 and he is the only bread earner of his family and falsely implicated in this case and he will never abscond if he be released on bail.

Ld. Special PP in charge raised objection.

Having heard the submissions of both sides counsels and on perusal of the FIR and other incriminating materials in this case record and the CD of this case and also considering the nature and gravity of the offence and the accusation against the accused showing his involvement with the offence of sexual assault upon the alleged VG I find nothing convincing to enlarge him on bail at this stage.

So his prayer for bail is considered and rejected at this stage.

CD be returned to the IO.

Fixed **28.04.2023** for production of the accused and I/O's report.

Having heard the submission of the Ld. Special PP in charge the petition for passing order for recording statement of 2 witnesses U/s 164 CrPC filed by the IO SI Subrata Dutta of Sukna IC is taken up for hearing in presence of the said IO.

Heard Ld. Special PP in charge.

Prayer for recording statement of 2 witnesses namely Payal Lama and Anita Chettri U/s 164 CrPc is considered and allowed for the interest of investigation.

Accordingly Ld. Judicial Magistrate Kurseong is requested to record the statement of those 2 witnesses U/s 164 CrPC.

Let the copy of this order along-with case record be produced before the Ld. Magistrate for her information and necessary action.

The IO of this case to do needful accordingly as per instruction of the Ld. Judicial Magistrate Kurseong.

D/c by me

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Special Judge POCSO
Kurseong.

Spl 02 of 2023

Order No. 09

Dt. 25.04.2023 Spl 02 of 2023

Order No. 05

Dt. 17.04.2023

Today is the date fixed for production of the accused and hearing of his bail petition and I/O's report. Sole accused Bijay Subba in JC is produced from the JC and remanded again to the JC till further date of production.

The bail petition is taken up for hearing in presence of accused, defacto-complainant and both sides counsels.

The defacto-complainant cum alleged VG of this case in response to the notice appeared before this Court today and on dock raised her objection to grant bail in favor of the accused.

Ld. advocate for the accused submits that the accused is in J/c since 06.03.2023 and he is the only bread earner of his family and falsely implicated in this case and he will never abscond if he be released on bail.

Ld. Special PP in charge raised objection.

Having heard the submissions of both sides counsels and on perusal of the FIR and other incriminating materials in this case record and the CD of this case and also considering the nature and gravity of the offence and the accusation against the accused showing his involvement with the offence of sexual assault upon the alleged VG I find nothing convincing to enlarge him on bail at this stage.

So his prayer for bail is considered and rejected at this stage.

CD be returned to the IO.

Fixed **28.04.2023** for production of the accused and I/O's report.

Having heard the submission of the Ld. Special PP in charge the petition for passing order for recording statement of 2 witnesses U/s 164 CrPC filed by the IO SI Subrata Dutta of Sukna IC is taken up for hearing in presence of the said IO.

Heard Ld. Special PP in charge.

Prayer for recording statement of 2 witnesses namely Payal Lama and Anita Chettri U/s 164 CrPc is considered and allowed for the interest of investigation.

Accordingly Ld. Judicial Magistrate Kurseong is requested to record the statement of those 2 witnesses U/s 164 CrPC.

Let the copy of this order along-with case record be produced before the Ld. Magistrate for her information and necessary action.

The IO of this case to do needful accordingly as per instruction of the Ld. Judicial Magistrate Kurseong.

D/c by me

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Special Judge POCSO
Kurseong.

The record is put up today on receipt of a prayer from the IO of this case praying for supply of copy of statement of witness Payal Lama and Anita Chettri recorded by the Magistrate U/s 164 CrPC.

Heard Ld. Special PP in charge.

Prayer is considered and allowed for the interest of investigation.

Let the copies of Judicial Statement of the aforesaid 2 witnesses Payal Lama and Anita Chettri be supplied to the IO of this case at the earliest.

D/c by me

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Special Judge POCSO
Kurseong.

Order No. 11
Dt. 12.05.2023

Today is the date fixed for production of the accused and IO's report.
Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Received IO's report in final from that is charge-sheet being CS no 78/2023 dated 03.05.2023 u/s 363,354D,506,509,376 IPC r/w sec. 6 of POCSO Act against the accused Bijay Subba along-with the accused copies.

Let the same be kept with the record.

Perused the charge-sheet filed by the IO against the accused Bijay subba for the aforesaid offences.

Cognizance is taken.

Fixed 29.05.2023 for production of the accuse and supply of copies.

D/c by me

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Special Judge POCSO
Kurseong.

Spl 02 of 2023

Order No. 12
Dt. 29.05.2023

Today is the date fixed for production of the accuse and supply of copies.

Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Copies are ready and supplied to the accused in presence of his engaged lawyer.

A bail petition has been filed on behalf of the accused praying for his release on bail on the ground stated therein.

Let it be kept with the record for its hearing on next date in presence of defacto-complainant / VG.

Fixed **14.06.2023** for production of the accused and consideration of charge and hearing of bail petition.

Issue notice upon the defacto-complainant / VG calling upon them to file objection if any against the bail petition of the accused person.

D/c by me

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Special Judge POCSO
Kurseong.

Spl 02 of 2023
Order No. 13
Dt. 14.06.2023

Today is the date fixed for production of the accused and consideration of charge and hearing of bail petition.

Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

As regards the consideration of charge a petition has been filed on behalf of the accused praying for a date for charge hearing on the ground that no offence U/s 06 of POCSO Act can be attracted against the accused Bijay Subba and accordingly no charge U/s 06 of POCSO Act can be framed against him.

Heard both sides counsels.

Prayer for time for hearing of the said petition is considered and allowed.

Fixed **28.06.2023** for production of the accused and consideration of charge.

The bail petition filed on behalf of the accused on 29.05.2023 is taken up for hearing in presence of the VG and both sides counsels.

In response to the notice the VG of this case appeared before this Court today and on dock submits that she has objection against the bail petition of the accused.

Ld. Advocate for the accused submits that the accused has been falsely implicated in this case and according to the nature of allegation no offence U/s 06 of POCSO Act can be attracted against him.

However considering his period of detention he maybe enlarged on bail.

Ld. Special PP raised strong objection against the said bail petition of th the accused.

Having heard the submissions of both sides counsels and on perusal of the FIR, Charge sheet and other materials on record considering the nature and gravity of the offence and allegation of involvement of the accused with the alleged offence I find nothing convincing to enlarge him on bail at this stage.

So his prayer for bail is considered and rejected at this stage.

D/c by me

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Special Judge POCSO
Kurseong.

Spl 02 of 2023

Order No. 14
Dt. 28.06.2023

Today is the date fixed for production of the accused and consideration of charge.

Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Ld. Special PP is present.

The record is taken up for consideration of charge and hearing of the petition filed on behalf of the accused regarding non application of offence under POCSO Act.

Heard both sided counsels.

Perused the FIR, charge-sheet and other materials on record from which prima facie there is a ground for presuming that the accused has committed offence punishable U/s 363/354D/506/376 of IPC and the offence U/s 04 of POCSO Act 2012 which are exclusively triable by this Special Court.

Accordingly charge has been framed against the accused for the offence punishable U/s 363/354D/506/376 of IPC and the offence U/s 04 of POCSO Act 2012

The contents of the charge have been read over and explained to the accused in his own language to which he pleaded not guilty and claimed to be tried.

Fix **28.07.2023** for production of the accused and evidence of **VG** ie **CSW 1**.

Issue summons accordingly.

Prosecution to ensure production of witnesses on the date fixed.

D/c by me

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Special Judge POCSO
Kurseong.

Spl 02 of 2023.
Order No. 15
Dt. 28.07.2023

Today is the date fixed for production of the accused and evidence of **VG** i.e., **CSW 1**.
Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.
Ld. Special PP is present with no witness and submits that the VG is unable to appear before this court today for her deposition due to her illness.
The date is accordingly adjourned today.
Fix **01.09.2023**.for production of the accused and evidence of **VG** ie **CSW 1**.
Issue summons accordingly.
Prosecution to ensure production of witnesses on the date fixed.

D/c by me
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Special Judge POCSO
Kurseong.

Spl 02 of 2023.
Order No. 16
Dt. 01.09.2023

Today is the date fixed for production of the accused and evidence of **VG** i.e., **CSW 1**.
Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Ld. Special PP is present with no witness.

Received SR of summons in respect of VG of this case after due service but the VG did not turn up before this Court today for her deposition.

So issue WWA bailable of Rs. 1000/- against the alleged VG of this Case.

Fix **25.09.2023** for production of the accused, ER of WWA and evidence of **VG** ie **CSW 1**.

Prosecution to ensure production of witnesses on the date fixed.

D/c by me

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Special Judge POCSO
Kurseong.

Spl 02 of 2023.
Order No. 17
Dt. 25.09.2023

Today is the date fixed for production of the accused and evidence of **VG** i.e., **CSW 1**.
Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Ld. Special PP is present with 1 witness.

Ld. Advocate for the accused has file a petition praying for an adjournment on the ground stated therein.
The defacto-complainant of this case has filed a hazira along-with her Vakalatnama.

Let it be kept with the record.

Heard both side counsels.

Ld. Special PP also submit that she had no enough opportunity to examine the witness out of court.

Having considered the facts and circumstance that prayed for the adjournment is allowed fro the ends of justice.

The present witness i.e., CSW 1 VG is released today without her examination with a direction to appear on the next date.

Ld. Special PP to redirect to witness to appear on the next date for her evidence.

Fix **01.11.2023**.for production of the accused and evidence of **VG** i.e., **CSW 1**.

Prosecution to ensure production of witnesses on the date fixed.

D/c by me

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Special Judge POCSO
Kurseong.

Spl 02 of 2023.
Order No. 18
Dt. 01.11.2023

Today is the date fixed for production of the accused and evidence of **VG** i.e., **CSW 1**.
Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.
Ld. Special PP is present with 1 witness.
The VG of this case is examined in full but cross-examined in part as PW 1 and her further cross examination is deferred on prayer of the Ld. Advocate for the accused. PW 1 Exhibited her written complaint as Exhibit 1 and her statement U/s 164 CrPC as Exhibit 2 respectively.
Fix **12.12.2023** for production of the accused and further cross examination of **VG** i.e., **PW 1**.
Prosecution to ensure production of witnesses on the date fixed.

D/c by me
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Special Judge POCSO
Kurseong.

Spl 02 of 2023.

Order No. 19

Dt. 12.12. 2023

Today is the date fixed for production of the accused and further cross examination of VG i.e., PW 1. Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Ld. Special PP is present with 1 witness.

The further cross- examination of P.W.1 is resumed to day and she cross- examined in full and discharged.

No other witness is present today .

Fix 04.03.2024 for production of the accused and evidence of C.S.W 2,3, & 4

Fix 05.03.2024 for production of the accused and evidence of C.S.W 5,6, & 7

Fix 06.03.2024 for production of the accused and evidence of C.S.W 8,9 & 10

B.C to do the needful.

Issue summons accordingly .

Prosecution to ensure production of witnesses on the date fixed.

D/c by me

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POCSO

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Special Judge

Kurseong.

Spl 02 of 2023.

Order No. 20.
Dt. 05.02.2024.

The record is put up today by a put up petition along-with a bail petition filed on behalf of the accused Bijay Subba praying for his release on the ground stated therein.

Heard both sides counsels.

Fix. 19.02.2024 for hearing of the bail petition in presence of the VG and defacto-complainant.

Issue notice upon the VG and the defacto-complainant calling upon them to appear on the said date of hearing of bail petition and to raise objection if any against the bail petition.

Ld. Special PP to produce the CD accordingly.

D/c by me

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Special Judge POCSO
Kurseong.

Spl 02 of 2023.
Order No. 21
Dt. 19.02.2024

Today is the date fixed for hearing of the bail petition in presence of the V/G & defacto complainant .
Ld. Spl P.P is present with V/G of this case .
Ld. defence Counsel is also present.
Regular P.O is on leave. Shri Uttam Bhattacharya , Ld. A..D.J 1st Court Darjeeling is in charge of this Court and Office . Hence, the case is adjourned.
The bail petition will be heard on the next date fixed i.e on 04.03.2024 .
Todate for production of the accused, evidence and hearing of the bail petition in presence of the V/G & defacto complainant .
V/G is directed to appear on the date fixed positively .
D/c by me

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Special Judge POCSO
Kurseong./C

Spl 2 of 23
Order No. 22.
Dated 19.02.2024.

Record is put up today on receipt of petition submitted by IO of this Case praying for passing necessary order for recording statement of the Victim Girl U/s 164 Cr.P.C.

Perused.

Prayer is considered and allowed for the interest of investigation.

Ld. Judicial Magistrate Mirik, Darjeeling is accordingly requested to record the Judicial Statement of the Victim Girl of this Case U/s. 164 Cr.P.C.

The IO is accordingly directed to produce the Victim girl before the Ld. Judicial Magistrate, Mirik as and when the Ld. Magistrate asked him to produce the VG for that purpose.

Let the copy of this order be sent to the Ld. Judicial Magistrate, Mirik for her information and necessary action at the earliest.

Let another copy of this order be supplied to the IO of this Case for his information and necessary action.

D/c by me.

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Special Judge POCSO,
Kurseong, I/C

Spl 2 of 23
Order No. 23.
Dated 04.03.2024

Today is the date fixed for production of the accused, evidence and hearing of the Bail petition.
Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Ld. Special PP is present with VG of the Case.

Ld. Counsel for the accused is also present.

PO is transferred, Shri Uttam Bhattacharya, Ld. ADJ 1st Court Darjeeling is the in charge of this Court and Office.

In view of the absence of the regular PO matter is adjourned today.

To date.

The Bail petition will be heard on the last day of Schedule viz. 06.03.2024.

VG/Complainant is directed to appear on the next date fixed.

D/c by me

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POCSO

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Special Judge

Kurseong.I/C

Spl 2 of 23
Order No. 24
Dated 05.03.2024

Today is the date fixed for production of the accused and evidence
Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.
Ld. Special PP is present .
Ld. Counsel for the accused is also present.
No witness is present .
PO is transferred, Shri Uttam Bhattacharya, Ld. ADJ 1st Court Darjeeling is the in charge of this Court and Office.Hence, the case is adjourned.
To date i.e. 06.03.2024 for production of the accused and evidence.

D/c by me
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POCSO

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Special Judge
Kurseong, I/C

Spl 2 of 23
Order No. 25
Dated 6.03.2024

Today is the last date fixed for production of the accused and evidence of C.S.W 8,9 & 10

Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Ld. Special PP is present .

Ld. Counsel for the accused is also present.

No witness is present .

Ld. Lawyer for the accused submits that the V/G has stated in her cross- examination that she has no grievances against the accused , who is in custody for more than one (1) year. He prays for bail .

The Ld. Spl.P.P opposes the bail petition.

Perused the bail petition and other material on record . The trial is going on .The materials available in the record do not inspire enlargement of the accused on bail at this stage.

The bail petition is considered and ***rejected.***

Fix 02.04.2024 for production of the accused and evidence of C.S.W 2,3, & 4

Fix 03.04.2024 for production of the accused and evidence of C.S.W 5,6, & 7

Fix 04.04.2024 for production of the accused and evidence of C.S.W 8,9 & 10

B.C to do the needful.

Issue summons accordingly .

Prosecution to ensure production of witnesses on the date fixed...

Dictt. & Corrt by me :-

Judge Special Court ,
Kurseong.

Shri Uttam Bhattacharya
Judge Special Court ,
Kurseong I/C

Spl 2 of 23
Order No. 26
Dated 02.04.2024

Today is the last date fixed for production of the accused and evidence of C.S.W 5,6, & 7

Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Ld. Special PP is present . No witness is present .

Ld. Counsel for the accused is also present.

Regular PO is transferred, Shri Uttam Bhattacharya, Ld. ADJ 1st Court Darjeeling is the in charge of this Court and Office.

Hence, the case is adjourned.

To date for production of the accused and evidence.

D/c by me

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Special Judge POCSO
Kurseong, I/C

Dated 04.04.2024

Today is the last date fixed for production of the accused and evidence of C.S.W 2,3, & 4
Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Ld. Special PP is present . No witness is present .

Ld. Counsel for the accused is also present.

Regular PO is transferred, Shri Uttam Bhattacharya, Ld. ADJ 1st Court Darjeeling is the in charge of this Court and Office.

Hence, the case is adjourned.

Fix 13 .05.2024 for production of the accused and evidence of C.S.W 2,3, & 4

Fix 14 .05.2024 for production of the accused and evidence of C.S.W 5,6, & 7

Fix 15 .05.2024 for production of the accused and evidence of C.S.W 8,9 & 10

B.C to do the needful.

Issue summons accordingly .

Prosecution to ensure production of witnesses on the date fixed..

D/c by me

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Special Judge POCSO
Kurseong, I/C

Ld. Special PP is present with three C. S. Witness Nos. 5,6, & 7 and they are examined , cross-examined as P.W. 5,6, & 7 and discharged.

Accused is remanded to J.C till todate i.e. 15.05.2024

D/c by me

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Special Judge POCSO
Kurseong,

Order No. 30.

Dated 15.05.2024

Today is the last date fixed for production of the accused and evidence.

Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Ld. Special PP is present with 1 witness namely Rabin Chettri.

Ld. Counsel for the accused is also present.

Regular PO is transferred, Shri Uttam Bhattacharya, Ld. ADJ 1st Court Darjeeling is the in charge of this Court and Office.

Hence, the case is adjourned.

Witness is discharged today without examination.

Fix **12 .06.2024** for production of the accused and evidence of C.S.W 8,9,10.

Fix **13 .06.2024** for production of the accused and evidence of C.S.W 11,12,13.

Issue summons accordingly .

Prosecution to ensure production of witnesses on the date fixed..

D/c by me

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Special Judge POCSO
Kurseong, I/C

Spl 2 of 2023

Order No. 31

Dated 12.06.2024

Today is the last date fixed for production of the accused and evidence.

Sole accused Bijay Subba in J/C is produced from the J/C and remanded again to J/C till further date of production.

Ld. Special PP is present with 1 witness namely Rabin Chettri.

Ld. Counsel for the accused is also present.

Regular PO is transferred, Shri Uttam Bhattacharya, Ld. ADJ 1st Court Darjeeling is the in charge of this Court and Office.

Hence, the case is adjourned.

Witness is discharged today without examination.

Fix **12 .06.2024** for production of the accused and evidence of C.S.W 8,9,10.

Fix **13 .06.2024** for production of the accused and evidence of C.S.W 11,12,13.

Issue summons accordingly .

Prosecution to ensure production of witnesses on the date fixed..

D/c by me

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Special Judge POCSO
Kurseong, I/C

Spl 2 of 2023

Order No. 32

Dated 13 .06.2024

Sole accused Bijay Subba in J/C is produced from J/C .

Ld. Special PP is present along with the IO of this case SI Subrata Dutta.

No other witness is present .

On perusal of the C R I find that S/R of C.S.W. Nos. 8,9 & 10 are received with the report that all those witnesses are out of station .

NO S./R of C.S.W NO.11 is received.

In view of the fact that 5 C.S.Witnesses are yet to be examined , IO is discharged without examination with a diretion to ensure appearance of those 5 C.S.Witnesses on the date fixed and also to appear on the date fixed.

Fix **09.07.2024** evidence of C.S.W 8,9,10.

10 .07.2024 evidence of C.S.W 11,12,13.

Issue summons accordingly .

Accused is remanded to J.C till 09.07.2024.

Prosecution to ensure production of witnesses on the date fixed..

D/c by me

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Special Judge POCSO
Kurseong,

Spl 2 of 2023

Order No. 33

Dated 09.07.2024

Sole accused Bijay Subba in J/C is produced from J/C .

Ld. Special PP is present along with the C.S.Witnesses C.S.W 11,12,13 and they are examined , cross examined and discharged as P.W.

No other witness is present .

Accused is remanded to J.C till 10.07.2024.

To for production of accused and prosecution's evidence.

Prosecution to ensure production of witnesses on the date fixed. .

D/c by me

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Special Judge POCSO
Kurseong,

nSpl 2 of 2023

Order No. 33.

Dated 10.07.2024.

Sole accused Bijay Subba in J/C is produced from J/C .

Ld. Special PP is present along with the C.S.Witnesses 9 Rabin Chettri and 12 SI Anamul Hossain and they are examined , cross examined and discharged as P.W. 8 & 9 and discharged.

Endorsement of PW 9 on the written complaint of the VG and formal FIR are marked as Exbt. No. 1/2 and Exbt. No. 5.

No other witness is present .

Ld. Special PP submits that the IO could not appear as he is attending training at Barrackpore Training Center.

She further submits that it is not possible to examined CSW 8 Hema Thapa as she is presently residing at Banglore for her employment.

Summons need not to be issued to CSW 8.

At this stage the Ld. Lawyer for the accused files bail petition.

Copy served.

Issue notice upon the VG regarding the bail prayer of the accused.

Accused is remanded to J.C till 05.08.2024.

Issue summons upon **CSW 11 & 12**.

To **05.08.2024** for production of accused, prosecution's evidence and hearing of bail petition.

D/c by me

SD/-

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Special Judge POCSO
Kurseong.