

ORDER SHEET FOR MAGISTRATES RECORDS

District: Darjeeling

IN THE COURT OF

: SPECIAL JUDGE UNDER POCSO ACT,
KURSEONG, DARJEELING (W.B) – 734203.

SPECIAL CASE NO 08 / 2023

State

Vs

Rakesh Rai.....accused

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. 15.05.2023.

Received a written complaint, formal FIR, seizure list etc. in connection with Kurseong PS case no 73 of 2023 dated 14.05.2023 u/s 6 of POCSO, Act against accused Rakesh Rai as forwarded from the Kurseong PS. Perused the same. Registered the same as special case under POCSO, Act. Fixed 30.05.2023 for IO's report.

D/c by me

.....Sd/-.....
Special Judge POCSO
Kurseong

SPECIAL CASE NO 08 / 2023

Order No. 02.
Dt. 19.05.2023.

Record is put up today as the IO of the case produced the arrested accused person namely Rakesh Rai in C/w with this case along with some documents like Accused Forwarding, Memo of Arrest, Medical documents. Accused Rakesh Rai is taken into Custody until further date of production. IO also files 2 prayer praying for recording of statement of the VG U/s. 164 Cr.P.C. and Capability test of the accused person duly forwarded by the Ld. Spl. PP. Perused the same. Let it kept with the record. At this stage Ld. Counsel for the accused person files a Bail petition supported by V>Nama. Perused, let the same be kept with the record. Regular PO is on leave, Shri Jeetendra Gupta, Ld. ADJ Siliguri is the in Charge of this court and Office. In view of the absence of the regular PO matter is adjourned. To date.

D/c by me

.....Sd/-.....
Special Judge POCSO
Kurseong

Order No. 03.
Dt. 22.05.2023.

Record is put up today as the IO of the case has submitted two petitions praying for making arrangement for recording a statement of the VG u/s 164 CrPC and for making arrangement for capability test of the accused Rakesh Rai by producing him before the HOD, FMT, NBMCH. Heard Ld. Special PP perused the petition and others materials on record. The IO's prayer for recording statement of the VG of this case U/S 164 CrPC is considered and allowed for the interest of the investigation. Ld. Judicial Magistrate Kurseong to record the statement of the VG of this case U/s 164 CrPC. The IO of this case to take step accordingly for production of the VG before the Ld. Magistrate as an when the Ld. Magistrate ask him to produce the VG for the aforesaid purpose. The IO's another prayer for potency test of the accused before the HOD, FMT, NBMCH is also considered and allowed for the interest of the investigation. The IO is accordingly permitted to take the accused from the Kurseong sub correctional home and to produce him before the HOD, FMT, NBMCH for the aforesaid purpose as an when he has been asked by the said hospital authority for production of the accused before them. The superintendent Kurseong sub correctional home is also directed to co-operate of the IO of this case by handing the accused over the custody of the IO of this case on the date of said examination of the accused and the IO shall return the accused to the said sub correctional home on the same date after examination of the accused is over. Let copy of this order be sent to the Ld. Judicial Magistrate Kurseong for her information and necessary action. Let some other copies of this order be supplied to the said HOD, FMT, NBMCH and the Superintendent Kurseong Sub Correctional Home through the IO of this case for their information an necessary action in accordance with the order of this court.

D/c by me

.....Sd/-.....
Special Judge POCSO
Kurseong

Spl 08 of 2023
Order No. 06.
Dt. 30.05.2023.

Today is the date fixed for production of the accused and IO's report.
Sole accused Rakesh Rai in J/c is produced from the J/c and remanded again to J/c till further date of production
No report in final form is received yet from the IO of this case.
The IO of this case has submitted a seizure list and a prayer for supply of copy of statement U/s 164 CrPC.
Heard Ld. Special PP.
Let the seizure list dt. 28.05.2023 be kept with the record.
Let the copy of the statement of VG U/s 164 CrPC be supplied to the IO.
Fix. **13.06.2023** for production of the accused and IO's report.

D/c by me

.....Sd/-.....
Special Judge POCSO
Kurseong

Spl 08 of 2023

Order No. 07.
Dt. 13.06.2023.

Today is the date fixed for production of the accused and IO's report.
Sole accused Rakesh Rai in J/c is produced from the J/c and remanded again to J/c till further date of production
No report in final form is received yet from the IO of this case.
Fix. **27.06.2023** for production of the accused and IO's report.

D/c by me

.....Sd/.....
Special Judge POCSO
Kurseong

Spl 08 of 2023

Order No. 08.
Dt. 27.06.2023.

Today is the date fixed for production of the accused and IO's report.
Sole accused Rakesh Rai in J/c is produced from the J/c and remanded again to J/c till further date of production
No report in final form is received yet from the IO of this case.
Fix. **11.07.2023** for production of the accused and IO's report.

D/c by me

.....Sd/.....
Special Judge POCSO
Kurseong

Later
Received report in final form ie charge sheet bearing CS No. 107 of 2023 dt. 20.06.2023 U/s 06 of POCSO Act
against the accused Rakesh Rai as submitted by the IO of this case SI Pritam Lama along-with accused copy.
Seen.
Let the same be kept with the record.
Cognizance is taken.
To date ie **11.07.2023** for production of the accused and supply of copies.

D/c by me

.....Sd/.....
Special Judge POCSO
Kurseong

Spl 08 of 2023

Order No. 09.
Dt. 11.07.2023.

Today is the date fixed for production of the accused and supply of copies.
Sole accused Rakesh Rai in J/c is not produced from the J/c today due to non availability of sufficient escort and vehicle due to present Panchayat election. The accused remanded again to J/c till further date of production.
No copy can be supplied today due to non production of the accused.
Fix. **19.07.2023** for production of the accused and supply of copies.

D/c by me

.....Sd/.....
Special Judge POCSO
Kurseong

Spl 08 of 2023

Order No. 10.
Dt. 19.07.2023.

Today is the date fixed for production of the accused and supply of copies.
Sole accused Rakesh Rai in J/c is produced from 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 lawyer.
Fix. **01.08.2023** for production of the accused and consideration of charge.

D/c by me

.....Sd/.....
Special Judge POCSO
Kurseong

Spl 08 of 2023

Order No. 11.
Dt. 01.08.2023.

Today is the date fixed for production of the accused and consideration of charge.
Sole accused Rakesh Rai in J/c is produced from J/c and remanded again to J/c till further date of production.
The record is taken up for consideration of charge.

Heard both side counsels.

Perused the FIR, Charge-sheet and other materials on record and CD.

Considered.

Prima facie there is a ground for presuming that the accused had committed offence of penetrative sexual assault upon the VG of this case u/s 6 of POCSO Act 2012, which is exclusively triable by this special court under POCSO, Act.

Accordingly charge has been framed against the accused for the offence punishable u/s 6 of POCSO, Act.

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

Hence, the schedule of the trial as follows.

Fix. **11.09.2023** for production of the accused and evidence of VG and complainant i.e., CSW 7 and 1.
issue summons accordingly.

D/c by me

.....Sd/-.....
Special Judge POCSO
Kurseong

Spl 08 of 2023

Order No. 12.
Dt. 11.09.2023.

Today is the date fixed for production of the accused and evidence of VG and complainant i.e., CSW 7 and 1. Sole accused Rakesh Rai in J/c is produced from J/c and remanded again to J/c till further date of production. Ld. PP in charge is present with 2 witnesses. Ld. defence counsel is present but submits he is not feeling well and files a petition praying for an adjournment and further date for examination of the witnesses. Heard both side counsels. Prayer is considered and allowed. The present witnesses are released today without examination. Ld. Special PP to redirect the witnesses to appear on the next date for evidence. Fix. **03.10.2023** for production of the accused and evidence of VG and complainant i.e., CSW 7 and 1. issue fresh summons accordingly.

D/c by me

.....Sd/.....
Special Judge POCSO
Kurseong

Spl 08 of 2023

Order No. 13.
Dt. 11.09.2023.

Today is the date fixed for production of the accused and evidence of VG and complainant i.e., CSW 7 and 1. Sole accused Rakesh Rai in J/c is produced from J/c and remanded again to J/c till further date of production. Ld. PP in charge is present with 2 witnesses. CSW the VG and Babita Rai are examined, cross-examined in full as PW 1 & 2 respectively and discharged. PW 1 exhibited her statement U/s 164 CrPC as Exhibit 1 and PW 2 Exhibited her written complaint as Exhibit 2 and her signatures on 2 seizure lists as Exhibit 3 & 4 and on the medical examination report of the Vg as Exhibit 5 respectively. No other witness is present today. Fix. **22.11.2023** for production of the accused and evidence of **CSW 2, 3** Fix. **23.11.2023** for production of the accused and evidence of **CSW 4, 5**. issue fresh summons accordingly. Prosecution to ensure production of witnessed on the date fixed.

D/c by me

.....Sd/.....
Special Judge POCSO
Kurseong