

Order No. 01, dated 23.12.2020

Accused persons, namely, Shyamapada Pal, Tarapada Pal, Rampada Pal, Manoranjan Pal, Haripada Barik, Narayan Ch. Maity and Uttam Maity on C.B are present by filing hazira.

Ld. Special P.P is present. Ld. Advocate for the accused persons is also present.

Now the record is taken up for hearing on the point of charge.

Heard the Ld. Special P.P and the Ld. Advocate appearing for the accused persons.

Ld. Special P.P submits that a strong prima facie case under Section 447/448/427/435/506/34 of the IPC has been made out against the accused persons and in addition to these Sections, Section 354 of the I.P.C has been made out against accused Shyamapada Pal and Section 8 of the POCSO Act has been made out against accused Tarapada Pal.

Ld. Advocate appearing for the accused persons raises no objection.

According to the Ld. Special P.P the materials collected during investigation of the case indicate that all the accused persons have committed the offence punishable under Section 447/448/427/435/506/34 of the IPC and in addition to these Sections, accused Shyamapada Pal committed offence punishable under Section 354 of the I.P.C and accused Tarapada Pal committed offence punishable under Section 8 of the POCSO Act.

Ld. Special P.P opens the case and describes the charge. She also describes the evidence by which she proposes to prove the guilt of the accused persons.

I have perused the F.I.R., charge-sheet, statements of the witnesses recorded u/S 161 of the Code of Criminal Procedure and all other materials available in the C.D.

Having considered the submissions made by the Ld. P.P-in-Charge and the Ld. Defence Counsel and having gone through the materials as indicated above, I am of the opinion that there is ground for presuming that the accused persons have committed the alleged offence which are exclusively triable by this Court.

Hence, charge under Section 447/34, 448/34, 427/34, 435/34, 506/34 of the I.P.C is framed against all the accused persons and in addition to these Sections, Section 354 of the I.P.C is framed against accused Shyamapada Pal and Section 8 of the POCSO Act is

framed against accused Tarapada Pal. The charge so framed is read over and explained to the accused persons to which they each pleaded not guilty by saying “Ami Nirdosh” and claimed to be tried.

Charge framed in separate sheets be kept with the record.

Fix 23.03.2021 for evidence.

Accused persons on C.B as before.

Ld. Special P.P to take steps accordingly.

C.D is returned.

D/C by me.

Sd/-

A.S.J.

Sd/- S.M. Tripathi
Additional Sessions Judge, 1st Court-cum-
Judge, Special Court, Contai.