

Sessions Case No. 165 of 2021

Present :: Shri Ajayendra Nath Bhattacharya
Additional Sessions Judge, 1st Court, Contai.
J.O. Code WB00819

Order No.12, dated 22-04-2024

Today is fixed for appearance and further order.

Sole accused on Court bail is present by filing attendance.

Ld. Additional PP is present.

Ld. Advocate for the de facto complainant is present.

It is found from the record that on 01-02-2024, the de facto complainant had submitted a petition wherein it was stated that in Junput Coastal PS case No.68 of 2018 there were two accused persons. Out of which, the present accused person, being a Juvenile was sent before J.J.B, Purba Medinipur for trial. But, subsequently, the JJB, Purba Medinipur holding that the said accused is required to be tried as an adult offender has sent back the case record to this Court. It is submitted that other accused persons of the said Junput Coastal PS case no.68 of 2018 is facing trial before Ld. ADJ, 2nd Court, in ST 193 of 2019. As such the de facto complainant has prayed for analogous trial of this case of ST 193 of 2019.

However, on consideration of materials on record it is found that the position of law stands to the effect that when JJB holds a person to be tried as a adult offender, the said case is to be dealt with by the Children's Court. There is no children's Court in this Sub-Division and as per the law this Court being the Special Court under POCSO Act is to act as a Children's Court. Accordingly, the record cannot be transferred to the Court of Ld. ADJ, 2nd Court, Contai for analogous trial with ST 193 of 2019. Accordingly, the prayer of de facto complainant is rejected.

Fix **05-06-2024** for consideration of charge.

Sd/-
Additional Sessions Judge,
1st Court, Contai.