

IN THE COURT OF LD. JUDGE SPECIAL CASE (POCSO), 1stCOURT, SERAMPORE,
HOOGHLY
Special POCSO case No.04 of 2020

Present : Sri G.C. Karmakar, Addl. District & Sessions Judge, 1st Court, Serampore.
Rishra P.S. case No.17 of 2020 dated 07.02.2020 u/S.384/506/34 I.P.C read
with Section 4/6/14/15 of P.O.C.SO Act, 2012.

Order no. 1 dated 10.02.2020

Received the part record along with formal FIR along with complaint lodged by Azhar Anwar, seizure list, forwarding, memos of arrest, inspection memo, prayer for medico-legal examination of the accused persons and prayer for recording statement of victim boy and complainant u/S 164 Cr.P.C.

Registered the same as Special Case No.04/2020.

Accused persons namely, Md. Shaheryar Khan @ Babu and Zubair Akhtar are produced from J.C in view of the order of Ld. A.C.J.M, Serampore.

Accused persons are taken into custody.

Today Ld. Advocate for the accused persons filed one bail petition for accused persons along with vokalatnama and moved the same with the submission that accused persons have flaselly been implicated in this case by lodging complaint after 64 days from the date of incident and accused persons may be enlarged on bail on any terms and condition.

Ld. P.P-in-charge opposes the prayer for bail with the submission that victim boy received one friend request by false personification being women through facebook which was accepted by the victim boy; hotel was booked at Rishra as place of meeting; victim boy who is aged 17 & 1/2 years was caused to drink intoxicated material and entire episode was video recorded by both the accused persons one after another. Thereafter, victim boy was subjected to carnal intercourse due to which he suffered injury and also mental trauma for which delay was caused in lodging the FIR which is not fatal in a case under POCSO Act.

Perused the materials on record and extract C.D which does not justify bail of the accused persons at this nascent stage of investigation.

Hence, prayer for bail of accused persons namely, Md. Shaheryar Khan @ Babu and Zubair Akhtar stand rejected.

I.O had filed one petition for Medico-legal Examination of victim boy which was allowed and victim boy has already been examined by the doctor.

I.O has also filed one petition for recording statement of the victim boy and complainant u/S 164 Cr.P.C.

The prayer of I.O used to facilitate the investigation.

The prayer of I.O is allowed.

Ld. J.M., 4th Court, Serampore to record the statement of victim boy and complainant.

I.O to produce the victim boy and complainant before Ld. J.M., 4th Court, Serampore at once.

Let the case record be produced before Ld. J.M., 4th Court, Serampore.

I.O has also filed one petition for Police Custody of the accused persons for 5 days.

It appears that the prayer of I.O for P.C of the accused persons is to facilitate the investigation.

Thus, prayer of I.O for P.C of the accused persons is allowed till 14.02.2020.

I.O to take accused persons to P.C and to produce them before the Court from P.C on 14.02.2020.

I.O is directed to abide by the guidelines of the Hon'ble Supreme Court and Human Rights Commission regarding P.C.

To date for production of the accused persons from P.C with C.D and further order.

Let a copy of the order be handed over to the I.O for convenience of compliance of the order.

Dictated & corrected by me

Judge Spl. Court

Judge Special Court
Serampore

Special Case No. 04 of 20
Present : Sri G.C.Karmakar
Judge, Special Court,
Serampore

Order no.2 dated 14.02.2020

Accused persons namely, Md. Shaheryar Khan @ Babu and Zubair Akhtar are produced from P.C along with medical documents.

Today Ld. Advocate for the accused persons filed one bail petition for accused persons but none moved the petition.

Perused the materials on record and C.D which does not justify bail of the accused persons.

Hence, prayer for bail of accused persons namely, Md. Shaheryar Khan @ Babu and Zubair Akhtar stand rejected.

I.O had filed one petition for supply of copy of statement of the victim boy and complainant u/S 164 Cr.P.C.

The prayer of I.O is to facilitate the investigation.

Thus, the prayer is allowed.

Remanded the accused persons to J.C.

Fix on 27.02.2020 for production of the accused persons and report of I.O in final form.

Dictated & corrected by me

Judge Spl. Court

Judge Special Court
Serampore

Order no.4 dated 24.02.2020

This day is fixed for hearing of the bail petition of accused persons namely, Md. Shaheryar Khan @ Babu and Zubair Akhtar and the bail petition is taken up for hearing.

It is the submission of Ld. Advocate for the accused persons that the alleged incident was occurred on 07.12.2019, the complaint was lodged on 07.02.2019 after considerable delay which has not been explained. The alleged victim boy took active part in the alleged commission of offence and he is the prime member in the alleged activity. Accused person namely, Zubair Akhtar is a student of MBA, he has his forthcoming examination and he may be enlarged on bail on any terms and conditions along with other accused person.

Ld. Spl.P.P raises vehement objection with the submission that both the accused persons and the victim boy are resedient of Kolkata; accused person namely, Zubair Akhtar booked one hotel at Rishra where after consumption of liquor victim boy was caused to had annul sex with Md. Shaheryar Khan @ Babu which was video photograph by accused Zubair Akhtar. Thereafter, both the accused persons made carnal sex with the victim boy when he became unconscious. Victim intially did not disclose about the incident to any one but he was threatened by the accused persons that those indecent photographs will be uploaded in the Internet if the demanded amount is not paid. Thereafter, complaint was lodged. Victim boy was medically examined after two months but medical examination report shows clear inference that he was subjected to carcal intercourse which was so aggravated that the mark of injury exist even after expiry of two months.

Perused the materials in the case record, C.D, medical examination report of victim boy and a statement of victim boy record u/S.164 Cr.P.C which does not justify bail of the accused persons.

Hence, prayer for bail of accused persons namely, Md. Shaheryar Khan @ Babu and Zubair Akhtar stand rejected.

To date i.e., on 27.02.2020 for production of the accused persons and report of I.O in final form.

Call for CD.

Dictated & corrected by me

Judge Spl. Court

Judge Special Court
Serampore

Order no.5 dated 27.02.2020

Accused persons namely, Md. Shaheryar Khan @ Babu and Zubair Akhtar are produced from J.C.

Ld. Spl. P.P is present by filing hazira.

None moves for the accused persons.

Investigation has not yet been completed.

Fix on 11.03.2020 for production of the accused persons and report of I.O in final form.

Remanded the accused person to J.C.

Call for CD.

Dictated & corrected by me

Judge Spl. Court

Judge Special Court
Serampore