

S. T. (P) 09 (08) / 2023

Special (P) 11 / 2023

Order No. 01 dtd. 09.08.2023

Sole accused namely Saddam Hossain Mallick @ Saddam Hossen Mallik is produced from correctional home. He is remanded to correctional home till 10.10.2023.

To date for production.

Ld. Special P.P.-in-charge and Ld. Lawyer for the accused are present.

Today is fixed for consideration of charge.

Accordingly, the case record is taken up for consideration of charge.

Ld. Prosecutor opens the case by describing the charge brought against the accused and by naming the witnesses by whom he intends to prove the charge against the accused.

Ld. Lawyer for the accused raises objection.

Heard both sides. Perused the materials on record and C.D. Considered.

There are sufficient materials to presume that the accused namely Saddam Hossain Mallick @ Saddam Hossen Mallik has committed offence punishable under sections 363/365/376(3) of I.P.C. and under section 4 of P.O.C.S.O. Act. Accordingly, charge is framed against the accused under sections 363/365/376(3) of I.P.C. and under section 4 of P.O.C.S.O. Act and kept with the record in separate prescribed form.

The contents of charge is read over and explained to the accused and he is asked whether he pleads guilty or not. The accused pleads not guilty by saying 'ami nirdosh' and claims to be tried.

Accordingly, issue summons upon the victim girl fixing **10.10.2023** for evidence.

Prosecution is directed to take steps for issue of summons upon the victim girl through the defacto complainant and to produce alamat, if any, on the date fixed positively.

Dictated & corrected by me.

Sd/- (Sri M. K. Rai)
Judge, Special Court

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Judge, Special Court
-cum- Additional Sessions Judge
1st Court, Serampore

Later

A petition under section 231(2) of Cr.P.C. has been filed on behalf of the accused persons, which is taken up for hearing. Copy has been served upon the Ld. Special P.P.-in-charge.

Heard both sides. Perused the petition. Considered.

It has been claimed in the instant petition that C.S.W. Nos. 1 to 6 are close relatives and unless they would be cross-examined at a time, they shall be highly prejudiced. It appears that C.S.W. Nos. 1 to 6 are relatives and they are going to depose on same facts. In view of the guidelines of the Hon'ble Supreme Court in State of Kerala versus Rashid, the prayer of accused persons may be considered. Hence, the instant petition filed on behalf of the accused is hereby allowed. The defence is permitted to cross-examine C.S.W. Nos. 1 to 6 after completion of their examination-in-chief.

Dictated & corrected by me.

Sd/- (Sri M. K. Rai)
Judge, Special Court

Sd/- (Sri M. K. Rai)
Judge, Special Court
-cum- Additional Sessions Judge
1st Court, Serampore