

S.T. (P.O.C.S.O.) 31 (09) / 2022
Special (P.O.C.S.O.) 10 / 2022

Order No. 01 dated 20.09.2022

Accused person namely Arijit Chakraborty is produced from correctional home. He is remanded to correctional home till 25.11.2022.

To date for production.

Bail petition is filed on behalf of accused praying for his bail on the ground stated therein.

A fresh vokalatnama is filed on behalf of the accused. Let it be kept with the record.

Bail petition is taken up for hearing.

Heard the Ld. Lawyer for the accused and the Ld. Special P.P.-in-charge. Perused bail petition and the record. Considered.

Ld. Lawyer for the accused submits that this is a case under section 376 of I.P.C. and section 6 of P.O.C.S.O. Act. He further submits that there are contradictions in statement of victim girl under section 164 Cr.P.C. and statement of her parents under section 161 Cr.P.C. Accused is innocent and he has been falsely implicated in this case. He prays for bail of the accused on any condition.

Ld. Special P.P.-in-charge opposes the prayer for bail.

It transpires from the record that charge sheet has been submitted against the accused under section 376(2)(f)(i) of I.P.C. and under section 6 of P.O.C.S.O. Act. Trial of the case is about to begin. Statement of victim girl under section 164 Cr.P.C. indicates commission of alleged offences.

Considering the above, I am not inclined to enlarge the accused on bail at this stage. Hence, prayer for bail of the accused Arijit Chakraborty is rejected.

The case is taken up for consideration of charge.

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

Ld. Lawyer for the accused person raises objection.

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

There are sufficient materials to presume that the accused Arijit Chakraborty has committed offence punishable under section 376(2)(f)(i) of I.P.C. and under section 6 of P.O.C.S.O. Act. Accordingly, charge is framed against the accused Arijit Chakraborty under section 376(2)(f)(i) of I.P.C. and under section 6 of P.O.C.S.O. Act and kept with the record in separate prescribed forms.

The contents of charge is read over and explained to the accused person and he was asked whether he pleads guilty or not. The accused person pleads not guilty and claims to be tried.

Accordingly, issue summons upon the victim girl, being C.S.W. No. 8, fixing **25.11.2022** 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.

Return C.D.

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