

Special (P.O.C.S.O.) 12 / 2022

Order No. 11 dated 19.09.2022

Accused person namely Tapan Das @ Tulu is produced from correctional home. He is remanded to correctional home till 01.11.2022.

To date for production.

Bail petition filed on behalf of accused is taken up for hearing.

C.D. has been produced.

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

Ld. Lawyer for the accused submits that this is a case under section 376AB of I.P.C. and under section 6 of P.O.C.S.O. Act against the accused for committing rape against minor girl. He submits that the allegation against the accused in respect of two other girls are patently false in view of the facts that no complaint has been lodged against him by the guardians of the said minors. He submits that the accused is an aged person and he has been falsely implicated in this case. He may be enlarged on bail and he shall face the trial.

Ld. Special P.P.-in-charge opposes the prayer for bail and submits that charge sheet has been submitted against this accused under section 376AB of I.P.C. and under section 6 of P.O.C.S.O. Act.

It transpires from the record that charge sheet has been submitted against the accused under section 376AB of I.P.C. and under section 6 of P.O.C.S.O. Act. On careful perusal of F.I.R., nature of allegation against the accused and materials in C.D., I am not inclined to enlarge the accused on bail at this stage. Hence, prayer for bail of the accused Tapan Das @ Tulu 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 Tapan Das @ Tulu has committed offence punishable under section 376AB of I.P.C. and under section 6 of P.O.C.S.O. Act. Accordingly, charge is framed against the accused Tapan Das @ Tulu under section 376AB 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 **01.11.2022** 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