

**ST No.192 of 2025**  
**[CNR No.- WBHW01-0033230-2025]**

**Present : Smt. Asmita Samajder (J.O. Code: WB00956)**  
**Additional Sessions Judge,**  
**4<sup>th</sup> Court, Howrah.**

**Order No. 20 dated 12-12-2025**

Today is fixed for further evidence, and passing order in respect of the prosecution's petition dated 09-09-2025.

Out of three accused persons in J/C, one accused namely Soraj Kanjar is produced physically from the Howrah Correctional Home.

Rest two female accused persons, namely, Sahanara Begum and Mafuja Bibi Sha, in J/C, are also produced physically from the Alipore Women's Correctional Home.

Ld. Advocates for the accused persons namely, Sahanara Begum and Mafuja Bibi are present. Ld. Advocate from LADCS is also present, representing the accused Soraj Kanjar.

One witness, namely, A.S.I. Surendra Singh (CSW40) is physically present today. Another witness, namely, Aritra Rakshit (CSW1 in supplementary charge-sheet) is present via VC (Google Meet) today.

Record is thus taken up for recording evidence of the aforementioned witnesses.

Accordingly, the witness, namely, A.S.I. Surendra Singh (CSW40) is then examined on dock as the PW8, in full and he is then cross-examined in full; and is then discharged. Since the other witness, namely, Aritra Rakshit (CSW1 in supplementary charge-sheet) is unable to come to court today and is available via Video Conferencing, link is hereby sent to his e-mail ID, being, [aritra.rakshit@ril.com](mailto:aritra.rakshit@ril.com).

Said witness Aritra Rakshit is joined through the said link, via Google Meet. He is then examined by the prosecution as the PW9 through Video Conferencing via Google Meet, in full. PW9's cross-examination is declined and he is thereafter discharged.

During the respective examinations-in-chief of the PWs 8 and 9, some documents and articles are marked as exhibits, in the manner as under:

- **Signature of LCT Sarita on the requisition dated 30.03.2025 - Exhibit P-29(1)/PW8.**
- **Signature of PW8 on the seizure list dated 30.03.2025 (in between 12.05 hrs to 12.40 hrs) - Exhibit P-30(1)/PW8.**
- **Signature of LCT Sarita on the seizure list dated 30.03.2025 (in between 12.05 hrs to 12.40 hrs) - Exhibit P-30(2)/PW8.**
- **Original certificate u/s. 63(4)(c) of BSA dated 09.03.2025 - Exhibit P-31/PW8.**
- **Signature of Rajendra Choudhary on the original certificate us. 63(4)(c) of BSA dated 09.03.2025 - Exhibit P-31(1)/PW8.**
- **Receiving endorsement dated 08.08.2025 on the requisition/notice bearing Memo No. 824/SOG dated 17.04.2025 - Exhibit P-32(1)/PW9.**
- **Forwarding Memo dated 08.08.2025 related to mobile number 9982133716 - Exhibit P-32(2)/PW9.**
- **Signature of PW9 on the forwarding Memo dated 08.08.2025 related to mobile number 9982133716 - Exhibit P-32(3)/PW9.**
- **Certificate u/s 63(4)(c) of BSA dated 08.08.2025 related to mobile number 9982133716 - Exhibit P-32(4)/PW3.**
- **Original CD related to mobile number 9982133716 - Exhibit P-33/PW9.**
- **Signature of PW9 on the CD related to mobile number 9982133716 - Exhibit P-33(1)/PW9.**
- **Receiving endorsement dated 08.08.2025 on the requisition/notice bearing Memo No. 820/SOG dated 17.04.2025 related to mobile no. - Exhibit P-34(1)/PW9.**

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- **Forwarding Memo dated 08.08.2025 related to mobile number 8170929422 - Exhibit P-34(2)/PW9.**
- **Signature of PW9 on the forwarding Memo dated 08.08.2025 related to mobile number 8170929422 - Exhibit P-34(3)/PW9.**
- **Certificate u/s 63(4)(c) of BSA dated 08.08.2025 related to mobile number 8170929422 - Exhibit P-34(4)/PW3.**
- **Original CD related to mobile number 8170929422 - Exhibit P-35/PW9.**
- **Signature of PW9 on the CD related to mobile number 8170929422 - Exhibit P-35(1)/PW9.**

Now, let a scanned copy of the deposition sheet of the PW9, duly signed by this Court, be forwarded to the said witness at his registered email ID, with a direction to affix his signature thereon and return a scanned copy of the same to this Court via email, by the end of this day.

Further, let a PDF copy of the deposition sheet be transmitted to the said PW9 through email for obtaining his signature. Upon receipt thereof, PW9 shall affix his signature on the same and return the hard copy of the same to this Court by speed post and/or courier, within 72 working hours, without fail.

The record is now taken up for passing order in respect of the interim compensation petition dated 09-09-2025 filed by the prosecution, which I had heard at length on the previous occasion.

By filing the instant petition, the prosecution mentioned that the victim in this case is aged around three years, who was allegedly kidnapped by the accused persons from Howrah Station Complex and was taken to Rajasthan as part of a large gang involved in inter-State human trafficking. As per the prosecution, the victim of this case was finally recovered from Rajasthan and is a minor girl child, who was subjected to human trafficking, which is considered to be a very grave and serious issue by the Hon'ble Supreme Court of India. As per the prosecution, settled position of law and judgements in this regard entitles the victims of human trafficking to get interim victim compensation to be paid by the appropriate or competent Government Department. In view of the given averments, the prosecution prayed for issuance of direction upon the competent or appropriate department for payment of interim victim compensation to the minor victim of this case.

Ld. P.P-in-charge, during the hearing of the instant petition, mentioned that the minor girl child in this case, namely Shrabani Murmu, aged about 3 years, deserves to get interim compensation pending disposal of this case. He then referred to the following decisions in support of his prayer :

- **AIR 2013 Supreme Court 518** – In this particular case, the Hon'ble Apex Court observed that in view of Section 357A of the Cr.P.C., it is duty of the court to direct grant of interim compensation subject to final compensation being determined later. The Hon'ble Court further observed that such duty continues at every stage of a criminal case where compensation ought to be given.
- **WP 4517 (W) of 2018 (Hon'ble Calcutta High Court)** – This matter related to compensation in respect of a victim of trafficking. While dealing with the matter, the Hon'ble Court observed that the object and purpose behind Section 357A of the Cr.P.C. and Clause-4 of the West Bengal Victim Compensation Scheme of 2017 is to provide compensation to the victim primarily for the purpose of rehabilitation.
- **W.P. No.233(W) of 2020 (Hon'ble Calcutta High Court)** – The Hon'ble Court, while dealing with a matter related to compensation in respect of a victim of human trafficking, held that grant of victim compensation has been comprehensively laid down in the West Bengal Victim Compensation Scheme of 2017.

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- **W.P.A. No.12725 of 2023 (Hon'ble Calcutta High Court)** – The Hon'ble Court, while considering a matter relating to interim compensation in respect of a male acid attacked survivor in this particular case, observed that the court at any point of time can make recommendation for granting compensation to the victim.

- **WPA 5441 of 2023 (Hon'ble Calcutta High Court)** – In this decision, the Hon'ble Court, while considering a matter related to compensation of a minor victim of trafficking and rape, observed that the Schemes of NALSA are made to benefit all victims of crimes regardless of the particular State in which they are located.

Ld. P.P-in-charge thereafter contended that denial of compensation to the victim in light of Section 357A of Cr.P.C is a direct violation of Article 21 of the Constitution. He then prayed for passing necessary order in this regard.

Perused the materials on record and the evidence led so far in this case.

It transpires therefrom that the victim in this case is a minor of 3+ years of age and she is allegedly a victim of inter-State human trafficking. The prosecution has contended that this victim was allegedly kidnapped by the accused persons from Howrah Station Complex and was thereafter taken to Rajasthan as part of inter-State human trafficking, and was later on recovered from Rajasthan. It is also seen that trial is already underway in this case. There is no doubt that as per provisions of Section 357A of Cr.P.C. and West Bengal Victim Compensation Scheme of 2017, victim of human trafficking is entitled to get interim compensation pending disposal of the concerned case. These provisions aim to ensure the rehabilitation of victims, independent of the trial's outcome.

Here, it would be prudent to see what the concerned provisions envisage. **Section 357A(2) of the Cr.P.C.** stipulates that “*Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred to in sub-section(1).*”

It would also be appropriate to also refer **Clause No. 5 of the West Bengal Victim Compensation Scheme of 2017** which states that “*The State or District Legal Services Authority may award compensation to the victim or his/her dependents to the extent as specified in the schedule.*”

Having heard the submissions of the Ld. PP-in-Charge and perused the materials on record, this court finds that Section 357A of the Cr.P.C. empowers the Courts to recommend compensation even when the accused persons are identified and the trial is underway. The statutory mandate under Section 357A of Cr.P.C. is victim-centric, and the grant of compensation is not contingent on the conviction of the accused. The provision exists to ensure rehabilitation, relief, and support to victims of heinous offences, especially minors subjected to trafficking. This court is satisfied that the minor victim in the present case is in urgent need of interim financial assistance for her medical care, nutritional support, educational continuity, and overall rehabilitation. Child trafficking is a grave offence with long-lasting repercussions on the victim's physical and mental well-being. The materials placed before this court so far sufficiently establishes that the child requires ample care and support.

**Accordingly, in light of the above discussions, and being guided by the decisions of the Hon'ble Courts, the prosecution's petition dated 09-09-2025 is hereby considered and allowed.**

**In exercise of powers under Section 357A(2) of the Cr.P.C., this court hereby recommends to the District Legal Services Authority (in short: DLSA), Howrah, to award interim compensation to the minor victim, as named hereinbefore.**

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**It is hereby directed that the concerned DLSA shall process the recommendation forthwith and release an amount of Rs. 1,00,000/- (Rupees One Lac only) as interim compensation, in accordance with the West Bengal Victim Compensation Scheme of 2017, which is to be paid within 60 days from the date of communication of this order.**

The interim compensation shall be released in the name of the minor victim, to be operated through her lawful guardian(s), with appropriate safeguards to ensure that the amount is utilized exclusively for the welfare, medical treatment, education, and rehabilitation of the child.

The mother/father of the minor victim girl shall open a bank account in the name of the victim girl in any Nationalised Bank, with either of them as guardian and shall deposit the compensation cheque in that account and invest the said money in a fixed deposit account in the name of the said minor child for a period extending to the reaching of her majority. **However, the guardian shall be at liberty to utilize the interest accrued in such FD account, from time to time, for the welfare, overall care and support of the minor victim girl.**

Also, such interim compensation shall be adjusted against the final compensation, if any.

**Let a copy of this order be transmitted forthwith to the District Legal Services Authority, Howrah, for necessary compliance.**

A copy is also to be provided to the Investigating Officer of this case and the Child Welfare Committee (CWC), who shall ensure follow-up action and continued monitoring of the victim's welfare.

On the prayer of the Ld. PP-in-Charge and the Ld. Advocates representing the accused persons, fixing **12.01.2026**, **22.01.2026** and **02.02.2026** for further evidence, and production of all the accused persons in J/C.

Dictated & corrected by me;

Sd/-  
ASJ

Sd/-  
Additional Sessions Judge,  
4<sup>th</sup> Court, Howrah