

S T 171 of 2023  
(Golabari PS Case No.515/18 dt.01.09.18)

Order no.13 dt. 18.09.23.

Accused 1) Susmita Ray @ Mumpi, 2) Amit Das, 3) Dolly Das and 4) Rupam Basak are produced from the J/C.

Accused 1) Pradip Kr Singh, 2) Dinesh Kr Gupta and 3) Sarat Gupta on bail are present by filing hazira.

Heard both sides.

It appears that in this case charge has been framed against the accused Sarat Gupta, Dinesh Gupta and Pradip Kr Singh for offence punishable u/s 341/376D/120B of IPC and against accused Sarat Gupta, Dinesh Gupta and Pradip Kr Singh, Susmita Roy, Dolly Das, Amit Das and Rupam Basak for offence punishable u/s 370(2)/120B of IPC. It further appears that at the time of consideration of charge on 28.03.2019, it was observed by this court that the prosecutrix is major as per ossification test and accordingly though the case was started under POCSO Act and earlier registered as Special T R 119/2018, charge was framed against the accused persons for aforesaid offences punishable under IPC. Since the creation of Special Court under POCSO Act at Howrah the record was sent to the Special Court POCSO at Howrah being a Special T R Case which is registered in case of POCSO cases.

Special Court POCSO vide its order no.68 dt. 28.06.23 passed in Special T R 119/18 observed that this is not triable by Special Court POCSO and accordingly made prayer before Ld District Judge, Howrah u/s 408 of CrPC. Ld District Judge, Howrah. On receipt of the case record as per order of Ld District Judge, the case was renumbered as S T 171 of 2023.

After hearing both sides at length, I find that in this case already six witnesses have been examined and there is no need of alteration of charge and the case may proceed for further evidence.

Accordingly, fix 04.12.23, 05.12.23 & 06.12.23 for evidence of prosecution.

Prosecution is directed to take step for summoning the witnesses.

Addl. Sessions Judge,  
2nd Court, Howrah.