

Special T.R. No. 119/18.

Order No.12 dt.17.12.18.

Today is fixed for production of the accused persons, hearing of bail application and consideration of charge.

All the seven accused persons are produced from J/C. Fresh vokatnama filed by Sri Subrata Kulavi Ld Lawyer for accused Rupam Basak.

Sri Subhasish Dutta, Retainer Advocate appointed by D.L.S.A., Howrah is present for accused Susmita Roy, Doly Das and Amit Das. Ld Lawyer for rest three accused persons by Sri Santanu Mukherjee and Navlendu Kumar, is present.

Record is taken up for consideration of charge.

Heard both sides. It is submitted by Ld Public Prosecutor that there is sufficient ground for framing charge u/s 6 of POCSO Act and u/s 376(g) of IPC against accused Sarat Gupta, Pradip Kr Singh and Dinesh Gupta. U/s 6/17 of POCSO Act against rest accused persons and u/s 120B/363/366/372/373 of IPC against all the accused persons.

Ld Lawyer for the accused persons submitted that there is no document collected by prosecution to ascertain age of the VG to establish she is minor. It is also submitted that age showing in the Aadhaar Card is not a document for age and I/O did not take any step to ascertain age of the victim. It is also submitted that statement recorded u/s 161 CrPC i.e. father of the victim shows that he allowed the victim to go with some of the accused persons and section 363/366 IPC is not applicable in this case.

From the materials available, it appears from the prosecution papers that the VG was induced and dragged for prostitution and for that reason question arises whether the provision of Immoral Traffic (Prevention) Act, 1956 is applicable or not.

Both the parties pray for some time for hearing over consideration of charge. Hearing is adjourned today.

On hearing both sides, fix 21.12.18 for production of the accused, consideration of charge and hearing of bail application.

Judge, Special Court under POCSO Act-cum
Addl. Sessions Judge, 2nd Court, Howrah.