

N.D.P.S Case No. 20 of 2024

Order No. 08 dated: 07-10-2024

Today the further report from the investigating officer as was called upon to submit is received by this court as regards the two issues namely whether the accused Rahul Das and Subrata Das are both and identical persons or not and whether he is juvenile by age considering the date of alleged commission of offence after taking his date of birth as on 13-10-2006.

Today the father of the above-named accused further files a petition insisting thereon that his son Rahul Das is the same person and identical with that of Subrata Das and further urges in the petition that his date of birth is 13-10-2006 and as such, he is juvenile by age at the time of alleged commission of offence. By making the above application, he further prays for necessary order so that his son be treated as juvenile or child conflict in law (CCL boy).

The above matter is heard in the presence of both sides. Perused the above report of the investigating officer as received today by this court.

Now after careful perusal of the above report of the I/O, I find that investigating officer in his report certified that arrested accused Rahul Das and Subrata Das both are same and identical persons and his date of birth in fact is 13-10-2006 as collected by him from the Bally Municipality as per register of birth record as mentioned there.

In view of the above report of the investigating officer wherein he has certified that the above-named named accused Rahul Das was born on 13-10-2006 and therefore, if his above age is taken into consideration after taking in view of the date of alleged commission of the offence, his age being calculated as 17th years 11 months 14 days.

Therefore, obviously the accused is found being juvenile by age at the time alleged commission of offence.

In view of the above decision and finding, the above-named named Rahul Das @ Subrata Das is now treated by this court as juvenile or Child in conflict in law.

After recording the above finding as regards the age of the above-named juvenile, he be immediately shifted from the current correctional home (Howrah District Correctional Home) so that he would be shifted and be lodged to safe home.

For the aforesaid reasons Superintendent of Howrah District Correctional Home is directed to immediately take steps to shift the above-named juvenile namely Rahul Das @ Subrata Das to a safe home where such juveniles (CCL boys) are lodged informing the keeper of the said home to produce the above-named juvenile on 06-11-2024 before the Juvenile Justice Board, Howrah.

The Superintendent Howrah District Correctional Home is further directed to submit a report of compliance within 08-10-2024 (on the day after which this court will remain closed for Puja Vacation).

BC-II of this court is directed to prepare a skeleton of the entire record of the case (each page to be certified to be true of the original) and to send the same before Juvenile Justice Board, Howrah on or before 08-10-2024.

Let a copy of this order be sent to Superintendent Howrah District Correctional Home for his information and necessary compliance and at the same time a copy of this order be communicated well in advance to the Principal Magistrate, Juvenile Justice Board, Howrah for information.

Dict & corrected by me

**Judge, Special Court under NDPS
Act, 3rd Court, Howrah.
JO Code No. WB00787**

**Judge, Spl. Court
under NDPS Act, Howrah.**

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Later

Order No. 09 dated: 07-10-2024

Today the investigating officer files a petition praying for PC in respect of the accused Papai Dhara for a period a seven days on the grounds as stated therein.

The investigating officer is present while the above prayer is moved by the Ld. PP.

Perused the prayer. While considering the prayer this court looks at the statement of the above-named accused recorded U/s 180 of the BNSS said to have been recorded during jail interrogation.

After careful consideration of the said statement, this court allows PC in respect of the above-named accused only for a period of four days. Investigating officer during PC shall get him medically examined before any Govt. medical establishment during each 24 hours of PC and submit a report so as to rule out that no physical violence has been made upon him.

IO may take the custody of the accused for PC from the correctional home who is being directed to hand over the above-named accused for the purpose of PC to the investigating officer of this case and shall submit a report before this court that while giving the custody of the accused, the accused did not have any kind of mark of injuries on his person.

IO is directed to produce the accused before Ld. Court of CJM, Howrah on 11-10-2024 along with the report of PC.

Let a copy of this order be given to 1) The Superintendent Howrah District Correctional Home and 2) the I/O of this case for their respective information and necessary compliance.

CD is returned.

Dict & corrected by me

**Judge, Special Court under NDPS
Act, 3rd Court, Howrah.
JO Code No. WB00787**

Judge, Spl. Court