

Sessions Case No.24 of 2016

Order No.10,

Dated:08.06.2017.

This day is fixed for evidence of CSW-1 and production of accused Julush Kujur from J.C.H.

Accused Julush Kujur is produced from J.C.H.

Ld. PP-in-charge and Ld. defence counsel are present.

A bail petition filed serving copy to the State with a prayer to enlarge him on bail as he is in custody since 15.09.2015.

Objection raised on behalf of the State.

Prosecution submitted attendance of witness Sisilia Munda, the victim of this case.

At the time of examination-in-chief of the victim girl it appears from her conduct, gesture and mode of giving reply, she still appears to be not in such a condition as to adduce evidence unlike a normal person. In this circumstance the further examination-in-chief is deferred till 10.07.2017.

The C.M.O.H, Jalpaiguri is directed to form a medical board for examination of the victim girl Sisilia Munda who has been earlier examined by the board on 26.11.2016 and to submit report as to her mental condition and whether she is capable to face the trial (both examination-in-chief and cross-examination by defence) because this case deferred only as it appears that she is unable to face the trial at this stage.

The I.C Nagrakata P.S is directed to make arrangement sufficient time ahead in consultation with the C.M.O.H, Jalpaiguri on which date the victim girl be examined by the board members and to produce the victim girl on the said date so that the medical examination report of the victim girl be submitted before the Court positively on the date fixed.

The bail petition filed on behalf of the accused in custody is taken up for hearing.

Heard submission of Ld. Counsels.

It is submitted by the Ld. Counsel of accused that due to medical examination of the victim girl the case is being deferred for long and he is in custody since 15.09.2015 having children and other dependents at home and therefore prayed for release the accused at least on interim bail.

Ld. PP-in-charge vehemently opposed bail prayer.

It is submitted that considering the nature and gravity of this case the bail prayer may be rejected.

Perused the bail petition and the case record.

It is fact that the accused is in custody for a considerable period and also it is fact that although charge has been framed on 15.06.2016 and date of recording of the evidence of victim girl fixed on 31.08.2016 but the victim girl did not appear at the time of hearing for which the hearing adjourned to 03.11.2016. Although from the record it appears that after fixing the date on

Contd.....

03.11.2016 the said witness has been produced. From the order-sheet dated 03.11.2016 I do find that the Ld. Court directed the C.M.O.H, Jalpaiguri to examine the victim Sisilia Munda in connection with Nagrakata P.S Case No.120/15, dated 14.09.2015 u/s 417/493/376 I.P.C as the Court find some abnormality of the victim. After receipt of the report the date has been fixed for recording of evidence of the victim girl but today her evidence could not record due to apparent abnormality of the victim girl. From the record further it appears that the victim is still under trauma for which despite her attendance before the Court the evidence could not be recorded. From the materials on record I do find that allegation is serious and considering the nature and the gravity of the offence I do not think that it is a fit case to release the accused on bail only considering his detention in custody.

Accused be sent to C.C.H., Jalpaiguri with a direction to produce on the date fixed.

A copy of the order be sent to the C.M.O.H., Jalpaiguri and also to the I.C Nagrakata P.S.

Dictated & Corrected by me:

Additional Sessions Judge,
4th Court, Jalpaiguri.

Additional Sessions Judge,
4th Court, Jalpaiguri.