

Sessions Trial Case No.32(05)2018
S.C. No.79 of 2017 (POCSO Act.).
Ref: Mal Police Station Case No.642 dated 15.12.2017

State Vs. Ashik Oraon

Order No.1 dated 02.05.2018.

Accused namely Ashik Oraon is produced from J/C.

Today is fixed for framing of charges.

One bail application is filed today on behalf of the accused is taken up for hearing.

Ld. PP In Charge is present.

The Ld. Advocate on behalf of the accused submitted that the charge sheet has been filed in the case as such no further detention of the accused is necessary and therefore bail may be granted on any terms and conditions.

The Ld. PP in charge vehemently opposes the prayer for bail by highlighting the fact that the V.G is only four years of age.

Heard. considered.

Perused the materials on record including the medical report on page 18 and 19 of the C.D considered.

I find that this is a case u/s 6, POCSO Act, 2012 and u/s 363 of IPC.

Considering the materials on record, and the medical report on page 18 and 19 of the C.D where from it transpires that the V.G was sexually assaulted by the accused as such the prayer for bail of the accused stands rejected. Be it mentioned here that earlier on 18.04.2018 the bail of this accused was rejected by this Court. Accordingly the record is taken up of framing charges.

Dic. & Corrected by me

Judge, Special Court,
(under POCSO Act,2012)

Judge, Special Court,
(under POCSO Act,2012)
Mal, Jalpaiguri.

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State Vs. Ashik Oraon

Order No.1 dated 02.05.2018.

Accused namely Ashik Oraon is produced from CCH, Jalpaiguri and remanded to J/C till next date.

Ld. PP In Charge files hazira.

Today is fixed for consideration of charge.

Ld. PP In Charge is ready for framing of charge.

The matter for consideration of charge of the above accused is taken up for hearing in presence of both sides.

Heard both sides. Perused the materials on record.

On perusal of the statement of the witnesses recorded u/s.161 Cr. P. Code during investigation vis a vis the other materials on record, I find that a prima facie case has been made out against the accused **Ashik Oraon u/s.6 of the POCSO Act, 2012**, this court is competent to try the case and punish the accused adequately.

Accordingly charge is framed against the above accused **Ashik Oraon u/s.6 of the POCSO Act, 2012**, the same is read over and explained to him to which he pleaded not guilty by saying 'ami nirdosh' and claims to be tried.

The charge framed in separate sheets be kept with the record.

Let the case be registered in the Trial Register as **Sessions Trial Case No.32(05)2018**.

Fix 14.06.2018 for evidence of C.S.W 1, 8.

Issue summons accordingly.

Dic. & Corrected by me

Judge, Special Court,
(under POCSO Act,2012)

Judge, Special Court,
(under POCSO Act,2012)
Mal, Jalpaiguri.

Charges with One Head
(No. XXVIII(II), Schedule V, Act V, 1898)
Sections 221, 222, 223, Code of Criminal Procedure)

Name & Office of
Magistrate, & C

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I, **Rashid Alam,**
Addl. Dist. & Sessions Judge
Mal, Jalpaiguri.

hereby charge you

name of the accused person/s

Ashik Oraon.

as follows-

(3) My cognizance or
the cognizance of the
Court of Sessions

Firstly- That you on 14.12.2017 sometime after 12.00 noon at your house at Pathorjhora T.G, Mangal Line, PS- Matelli, Dist- Jalpaiguri committed aggravated sexual assault upon Soya Proja a minor, aged about 4 years after enticing her to give buscuit and took her to your house and committed aggravated penetrative sexual assault by raping her and that you thereby committed an offence punishable under Section 6 **of the Protection of Children from Sexual Offences Act, 2012** and within the cognizance of this Court.

(4) In cases tried
by Magistrate, "by the said court"
charge

And I hereby direct you to be tried by the said Court on the said charge.

The contents of the charge are read over and explained to the accused person to which he pleads not guilty by saying 'ami nirdosh' and claims to be tried.

Dated this **02nd** **Day of May, 2018.**

(Rashid Alam,)
Judge, Special Court,
Mal, Jalpaiguri