

CNR No.WBDJ070001892024
JO Code : WB00935

Special POCSO Case Trial No. 3/(11)/2025
Special POCSO Case No. 34/2025

Order No.11
Dated 19.11.2025

Today is fixed for hearing of bail petition, appearance of defacto complainant and framing of charge.

Accused Chandra Bahadur Chettri is produced from J/C.

Ld. Special P.P. as well as Ld. Defence counsel are also present in court today.

However, the defacto complainant is found absent. It transpires the fact that the notice was sent to defacto complainant i.e. the mother of the survivor vide order dated 06.10.2025 but she failed to appear before this court on this day.

The Ld. Special P.P. also drew the attention of this court with regard to the presence of grandfather of the survivor in place of defacto complainant, who in turn, also intimated the Ld. Special P.P. with regard to the availability of the defacto complainant only in the month of January/February, 2026.

However, as per existing rule the bail application is required to be disposed of within a short span of time and as such the matter is adjourned for today in absence of the defacto complainant, whose presence is absolutely required for proper adjudication of bail application.

Fix **27.11.2025** for hearing of bail petition and appearance of defacto complainant. However, considering the inability of the defacto complainant to come to the court in person, as she is working in Delhi, liberty is provided to her to appear in court through video conferencing on due verification of her proof of identity by the I.O. of the case.

The I.O. of the case is hereby directed to coordinate with the defacto complainant for the purpose of serving notice upon her and also to cause production of the defacto complainant via video conference with proper identification by him.

Let a copy of this order along with notice in duplicate address to defacto complainant be sent to the I.O. of the case namely S.I. Suraj Kumar Lohar of Lava P.S. for information and strict compliance.

Now, the record is taken up for framing of charge.

Heard both sides.

Perused the case record and CD.

On close scrutiny of the police report, CD, FIR, medical examination report of the survivor and her statement recorded u/s 183 of BNSS, I find that there is a prima facie sufficient materials/ground to frame the charge against the accused under section 10 of POCSO Act.

Accordingly, charge is framed against the accused for the offence as above in separate sheet and the formal charge so framed be kept with the record.

The particulars of the offence charged is read over and explained to the accused namely **Chandra Bahadur Chettri** in vernacular to which he pleaded not guilty in Nepali by saying “Kasoor Chaina” and he claimed to be tried.

Fix 10.02.2026 for examination of CSW No.2 (survivor).

Fix 11.02.2026 for examination of CSW No.1.

B.C.-II is directed to issue summons accordingly.

D&C by me

Sd/-

Judge, Special Court (POCSO)

Kalimpong

Sd/-

Judge, Special Court (POCSO)

Kalimpong