

**Sessions Case No. 156 of 2024**

**Order No.54**

**15-01-2026**

Today is fixed for production, argument and hearing petition dt. 15-12-2025.

Accused person namely Srikant Keshri is produced from J.C through video conferencing and remanded back to J.C.

Ld. Advocate for the Defence Counsel and the Ld. Special P.P appointed in this case are present.

One written objection over the petition dt. 15-12-2025 has been filed by the Ld. SPL. P.P. Copy served and objected to.

The petition dt. 15-12-2025 is taken up for hearing.

Perused the petition, objection and materials on record.

Heard both sides.

The Ld. Advocate for accused/petitioner has submitted that in this case examination of the accused was conducted in three consecutive dates u/s 313 Cr.P.C and the question put to the accused were beyond the knowledge and instruction given to the accused by his Ld. Advocate but the question whether he intend to adduce evidence in his favour was not known to him and beyond the scope of the question ought to be put u/s 313 of Cr. P.C. The Ld. Advocate for the petitioner has also submitted that the provision u/s 233 Cr. P.C has not been complied with for giving written statement and/or to adduce evidence under the provision of law. The Ld. Advocate has referred the decision of the Hon'ble High Court, Calcutta passed in connection with CRR 30/2020 in support of his contention.

The Ld. SPL. P.P in refuting the submission advanced by the Ld. Advocate for the accused has contended that the instant petition dt. 15-12-2025 at the stage of argument is a vexatious fabulous and not in accordance with law since the examination of the accused person should be done by the Ld. Trial Judge on the basis of incriminating evidence available against the accused and averment made in paragraph 10 that the accused ought to have answer as per the instruction given by his Ld. Advocate is totally against the law and procedure. It has also been pointed out that there is no provision for expunging the question put to the accused during his examination u/s 313 Cr. P.C and opportunity to the accused has duly been given to adduced evidence as the last question of his examination u/s 313 Cr.P.C. The Ld. SPL.P.P has further argued that examination of the accused u/s 313 Cr. P.C has been conducted for 18-09-2025, 19-09-2025 and 20-09-2025 for which on the last date i.e. on 20-09-2025 the case has been fixed for argument in presence of the Ld. Advocate for both sides but even then no oral prayer or written application has been filed on behalf of the accused to produce further evidence, if any. It has also been pointed out that date for argument has been fixed on 04-11-2025, 07-11-2025, 25-11-2025, 11-12-2025 and 15-12-2025 while the present petition has been filed on 15-12-2025 after four consecutive dates and it has been emphatically argued that criminal trial cannot proceed in

**Order Contd.**  
**15-01-2026**

a backward direction for which the accused cannot avail the opportunity at this stage when written notes of argument has been submitted from the side of prosecution and the Ld. Advocate for the accused has proceeded for argument at length on 11-12-2025. The Ld. SPL. P.P has submitted that the instant petition being misconceived one, should be rejected.

In view of the foregoing submission of the Ld. Advocate for the both sides and on perusal of the materials on record, it appears that the accused Srikant Keshri was examined under section 313 of Cr. P.C in three consecutive dates i.e. on 18-09-2025, 19-09-2025 and 20-09-2025. In this regard I have carefully considered the examination of the accused u/s 313 of Cr. P.C and the order of this court passed on 18-09-2025, 19-09-2025 and 20-09-2025 vide order no. 46, 47 and 48 respectively. The content of the examination u/s 313 Cr.P.C has been prepared in part and handed over to the Ld. Advocate for the accused as well as Ld. SPL. P.P for their perusal and recommendation, if any, in compliance with the provision u/s 313(5) of Cr. P.C. appears from the order no. 46, as an abundant precaution which cannot be denied by the Ld. Advocate of both sides. The content of the examination u/s 313 Cr. P.C has been explained to the accused person in Bengali by the Ld. Court during his examination well within his understanding and the accused has given rational answers to the court. All the incriminating circumstances appearing against him including oral, documentary and material evidence so exhibited have been placed before him for his well understanding. During such examination of the accused, no question has been raised from the side of the accused nor his Ld. Advocate for their inability to understand the questions so put to the accused. No prejudice has been caused to the accused as it appears from the tenor of the questionnaire put to him.

In the above back drop the petition of the accused/petitioner dt. 15-12-2025 stand rejected.

Fix 27-01-2026 for further argument from the side of the defence.

Both parties are directed to come, ready for further argument.

Dictated & Corrected by me

Judge, Special Court,  
ADJ 2<sup>nd</sup> Court, Malda

Judge, Special Court,  
ADJ 2<sup>nd</sup> Court, Malda

**POCSO Case No. 09 of 2024**

**Ref:-Habibpur P.S. Case No. 447/2023 dated 25-12-2023 u/s 363/365/376 of IPC r/w sec. 6 of the POCSO Act and 9/10 Prohibition of Child Marriage Act.**

**Order No.11**  
**24-04-2024**

Today is fixed for production and report of the I.O.

The accused person namely Rajen Soren is produced from J.C and remanded back to J.C.

The bail petition has been filed on behalf of above named accused along with vakalatnama.

Bail petition is taken up for hearing.

Ld. Advocate for the accused prays for bail since the accused is in custody for 102 days and as such he is entitled to get statutory bail when C.S has not been submitted till this date.

Ld. Spl. P.P. raised no objection but has submitted that a direction may be given to the concerned I.O, I.C Habibipur P.S and S.P, Malda for recurrent incident of non-submission of charge sheet within the stipulated period in a case like this under section 6 of the POCSO Act.

Seen the report of the B.C and as per the report, charge sheet has not been submitted till this date up to 2:30 PM and from the date of arrest the accused is in custody for 102 days.

In the above back drop, the accused Rajen Soren is granted statutory bail of Rs. 3,000/- with two registered sureties of Rs. 1,500/- each out of whom one must be local, on condition that the accused shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever, subject to the satisfaction of the Ld. C.J.M. Malda i.d. to J.C.

If on bail to date 28-06-2024 for appearance and I.O's report.

Let a copy of this order be sent to the Ld. C.J.M. Malda for information and taking necessary action.

I.O of this case namely S.I Sumit Lakra is directed to give written explanation before the court as to why he was unable to submit charge sheet within the stipulated period.

Inform I/C Habibpur and S.P, Malda accordingly.

B.C to comply.

Dictated & Corrected by me

sd/  
Judge, Special Court,  
ADJ 2<sup>nd</sup> Court, Malda

sd/  
Judge, Special Court,  
ADJ 2<sup>nd</sup> Court, Malda

**No. / ADJ-II, Malda, Dated 24-04-2024**

To: I/C Habibpur, Malda.  
Copy of order be sent for information and necessary action.

***Judge, Special Court,  
ADJ 2<sup>nd</sup> Court, Malda.***