

POCSO 60 of 2022

CNR No.- WBND010040562022

JO Code – WB 731

R- 60/22

Order, dated – 16.08.2022.

Accused Subal Biswas is produced from J/C.

One bail application has been filed on behalf of the accused.

In compliance with the order passed by this court on 02.08.2022, while the accused has surrendered before the court, directed to inform the defacto complainant as well as the I.O of the case.

The I.O is present along with C.D.

Defacto complainant is also found present.

I have heard Ld. counsel for the accused as well as Ld. Spl. P.P.

Ld. counsel for the accused submitted that the accused is aged about 70 years and suffering from various ailments. He prayed for bail on any condition upon considering the medical report of the victim girl.

Ld. Spl. P.P on the other hand raised vehement objection.

Before going into the merit of the bail application, it appears to this court that the I.O of this case namely S.I Tridib Chowdhury now posted at Nakashipra P.S has produced the C.D and his C.D so far entries made ends at running page 35 which contents the copy of statement U/S 164 Cr.P.C of the victim girl. Thereafter, he attached in his C.D a copy of his petition filed on 12.08.2022 praying for permission to cause potency examination of the accused and a copy of order sheet whereby his prayer of said potency examination was allowed by this court on 12.08.2022 and another copy of order passed by this court on 02.08.2022 but curious enough, even investigating in a serious case like this, the I.O has made his C.D entry lastly on 23.07.2022 at running page 33. So, needless to say that the I.O unfortunately forget the basic rules and how to progress in the investigation and made entries in his C.D. This court feel that such serious lapses of a senior police officer, who admittedly in this post for last 10 years, should be informed of his higher authority i.e. the Superintendent of Police Krishnagar, P.D, with a request to his authority to give necessary direction / training of this police officer as it seems to this court that he is lacking his knowledge regarding basic of investigation of such serious offences. In this context, it is worthy to note that the I.O himself present with the C.D, (although he was not asked to remain present) and produce for perusal of the court without making any entry in it since lastly on 23.07.2022. This court constraint to note that the I.O concern might "taken for granted" the court. This laches on the part of the I.O at same time the senior officer who is monitoring the investigation is condemnable.

Now, as regards the bail application of the accused, at this stage of the proceeding this court feel that there is no need to consider as to whether the medical examination of the victim has corroborated the allegation or not but the facts remains that so far the investigation has been made there are serious allegation against the accused and as such, I am not inclined to grant him bail. Thus prayer for bail stands **rejected**.

Accused be remanded to J/C till 30.08.2022.

C.D be returned.

To date for production of the C.D again.

Contd.....

Let a copy of this order be sent to the Superintendent of Police, Krishnagar P.D, Nadia, for her information with a request to let this court know what steps she has taken against the errant police officer.

Another copy of this order be sent to the I/C of Nakashipara P.S for his information to consider whether further investigation of this case can be handled by any other competent officer or not.

Dictated & Corrected

Judge, Special Court,
Under P.O.C.S.O Act.
Krishnagar, Nadia.

Judge, Special Court,
Under P.O.C.S.O Act.
Krishnagar, Nadia.

No.

Dated – 16.08.2022.

Copy forwarded to :

- 1) The Superintendent of Police, Krishnagar P.D, Nadia, for information and taking necessary action.
- 2) The I/C Nakashipara P.S for information and necessary compliance.

Judge, Special Court,
Under P.O.C.S.O Act.
Krishnagar, Nadia.

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L A T E R dated – 16.08.2022.

I.O has made a prayer for jail interrogation of the accused.

For the purpose of investigation prayer is considered and allowed.

I.O is permitted to cause jail interrogation of the accused.

The superintendent of District Correctional Home is requested to cooperate the I.O for such interrogation.

Let a copy of this order be sent to the Superintendent, District Correctional Home, Krishnagar, Nadia, for information and necessary action.

Dictated & Corrected

Judge, Special Court,
Under P.O.C.S.O Act.
Krishnagar, Nadia.

Judge, Special Court,
Under P.O.C.S.O Act.
Krishnagar, Nadia.

No.

Dated – 16.08.2022.

Copy forwarded to :

The Superintendent, District Correctional Home, Krishnagar, Nadia, for information and taking necessary action.

Judge, Special Court,
Under P.O.C.S.O Act.
Krishnagar, Nadia.