

## **Special (POCSO) 27 of 2018**

Order No. 36 dated 24.09.2024

Received reeport regarding execution of attachment against the accused Monirul Islam Gazi along with a seizure list.

Seen the report.

Fix 05.12.2024 for passing necessary order.

A.D.J.

Order No. 37 dt. 05.12.24

Today is fixed for passing necessary order in respect of the Report regarding execution of Writ of Attachment against the accused person Manirul Islam Gazi.

No. Special P.P is present due to the Resolution taken by the Basirhat Criminal Court Bar Association to pen down before this Court on the ground of not lodging FIR by the JM 2<sup>nd</sup> Addl. Court.

This Court already passed the order to issue Writ of Proclamation against the absconder accused Manirul Islam Gazi and on receipt of it's execution passed another order to issue Writ of Proclamation against him. The Execution Report of the said Writ is also received by this Court which shows the Nil seizure list.

I have perused the FIR, Charge sheet and the materials on record.

Perusal of the record reveals that in this case firstly the case was started on 23.05.18 under section 363/365 IPC with adding section 376 IPC and Section 6 of POCSO Act on the basis of the complaint of one Julfikar Ali that his 16 years old

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daughter was missing. On 28.11.19 Charge Sheet in this case was submitted against one Manirul Islam Gazi under section 363/365/376 IPC and section 6 of POCSO Act. The Charge Sheet was submitted before this Court showing the accused person as absconder for which this Court issued WA against the accused person. Perusal of the record and the Charge Sheet further reveals that the accused was absconder in this case since the inception of the case. On 11.11.20 the defacto complainant lodged an application under section 173(8) Cr.P.C before this Court and that application was heard on 16.03.21 in presence of both sides. After contested hearing the prayer of the defacto complainant was rejected. Against the order dated 16.03.21 the defacto complainant moved before the Hon'ble Court at Calcutta vide CRR 1701 of 2021. The Hon'ble Court on 02.01.23 without commenting on the merits of the case, opined in that case that the primary responsibility would be to bring the accused before the court of law to face the trial of the case. The Hon'ble Court directed this Court to proceed to the next stage of issuance of process after obtaining appropriate Report from the prosecution and further directed that the Special Investigating Agency would keep a track on the available resources for exercising their powers in respect of the absconding accused persons for production of the accused persons before the Court. The Hon'ble Court further directed this Court to seek regular reports from the prosecution as well as the Special Investigating Agency as to the steps taken by them for finding the whereabouts of the accused person.

In such circumstances at this stage, I am not inclined to pass any order in respect of the execution Report of Writ of Attachment issued in respect of the accused person. Let it be kept in the record. BC I is directed to place the same before this Court after fixing every three dates in this case.

It is a case of Swarupnagar Police Station. According to the direction of the Hon'ble Court the Special P.P is directed to remain informed about the steps taken by the Special Investigating Agency to search out the absconder accused persons and inform the same before this Court on the dates fixed in this case and S.P Basirhat P.D is directed to give direction to the Special Investigating Agency of Basirhat P.D to submit a Report before this Court as to the steps taken by it for

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finding the whereabouts of the accused person and for producing him before this Court.

Fix 29.01.2024 for submission of Report by the Special Investigating Agency/Officer.

Let a copy of this order be sent to S.P Basirhat P.D for his necessary action.

Dictated & corrected by me

Judge,Spl. Court (POCSO Act )

Basirhat, North 24 Parganas

Judge,Spl. Court (POCSO Act)

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