

Spl (POCSO) 67/17

CHARGE WITH FIVE HEAD
[No. XXXII, Schedule II, Act. 2, 1974]
(Sections 211,212, 213, Code of Criminal Procedure.)

1) Name and office of Magistrate, &c	I ⁽¹⁾ , Sri Debasish Datta, Additional Sessions Judge, Basirhat, North 24 Parganas , hereby charge you ⁽²⁾ ,
2) Name of accd persons	1) Mithun Mondal 2. Gobinda Mondal 3. Anup Mondal
3) State the offence.	Firstly, that you, on or about 29 th day of June , 2017 at 21.30 hours at night at village Amodia , P.S Swarupnagar ,Dist North 24 Parganas , committed criminal trespass by entering into (or upon, or by illegally remaining upon) the property namely the homestead at that time in possession of Aparna Mondal with intent to commit an offence (or intimidate or insult or annoy any person in possession of the property) and that you thereby committed an offence punishable under section 447 of Indian Penal Code and within ⁽⁴⁾ the cognizance of this court.
4) My cognizance/ cognizance of this court of Sessions	Secondly, that you, on or about 29 th day of June , 2017 at 21.30 hours at night at village Amodia , P.S Swarupnagar ,Dist North 24 Parganas , in furtherance of common intention ,voluntarily caused hurt to 16 year old daughter of complainant namely Pinki Mondal and that you thereby committed an offence punishable under section 323/34 of Indian Penal Code and within ⁽⁴⁾ the cognizance of this court.
	Thirdly, on or about 29 th day of June , 2017 at 21.30 hours at night at village Amodia , P.S Swarupnagar ,Dist North 24 Parganas , in the house of the complainant , assaulted (or used Criminal force to) a woman namely Pinki Mondal , intending to disrobe or compelling her to be naked and that you thereby committed an offence punishable under Section 354B of Indian Penal Code, and within ⁽⁴⁾ the cognizance of this Special court.
	Fourthly , that you,on or about 29 th day of June , 2017 at

21.30 hours at night at village Amodia , P.S Swarupnagar ,Dist North 24 Parganas , molested Pinki Mondal by tearing off her wearing apparel and attempted to commit rape upon said woman Pinki Mondal that you thereby committed an offence punishable under **Section 376/511 of Indian Penal Code**, and within⁽⁴⁾ the cognizance of this Special court.

Fifthly , that you,on or about 29th day of June , 2017 at 21.30 hours at night at village Amodia , P.S Swarupnagar ,Dist North 24 Parganas , committed sexual assault by disrobing minor girl Pinki Mondal, aged 16 years , by tearing off her wearing apparel and that you thereby committed an offence punishable under **Section 8** of Protection of Children from Sexual Offences Act, 2012,and within⁽⁴⁾ the cognizance of this Special court.

5) In case tried by Magistrates omit “by the said Court”

And I do hereby direct that you be tried ⁽⁵⁾ by this Court on the said Charge.

The substance of accusation punishable under Sections 447/323/354B/376/511/34 of Indian Penal Code and sec. 8 of POCSO Act are read over and explained to the accused persons in Bengali to which each of them pleads not guilty by saying “Nirdosh” and claims to be tried.

Dated this 16th day of July , 2018.

Judge, Spl Court (POCSO Act)
Basirhat,North 24 -Parganas
16.7.2018

Spl. (POCSO) 67/17(R.71/17)

Order no.1 dated 16.7.2018.

Three accused persons on bail namely Mithun Mondal, Gobinda Mondal and Anup Mondal are present with hazira.

Today is fixed for appearance & framing of charge.

Ld. Special P.P in-charge is present with hazira .

Charge u/s 447/323/354B/376/511/34 of IPC and Sec. 8 of POCSO Act are read over to the accused persons and is framed in prescribed form and annexed with the record.

The substance of accusation punishable under sections 447/323/354B/376/511/34 of IPC and Sec. 8 of POCSO Act are read over and explained to the accused persons in Bengali to which each of them pleads not guilty by saying “Nirdosh” and claims to be tried.

It appears from the charge sheet that there are 11 witnesses out of whom CSW-10 ASI, Ashoke Biswas is R.O and CSW 11 S.I Chandan Dutta is the Investigating Officer.

Ld. P.P and Ld. Defence counsel submitted that initially a schedule be fixed for evidence of first 4 witnesses as per C.S .

Accordingly, the following schedule is fixed .

To 19.9.2018 for recording of evidence of CSW-1 & CSW-2. .

To 20.9 .2018 for recording of evidence of CSW-3 &CSW-4

The schedule for recording evidence of CSW-5 to CSW-9 (except R.O & I.O CSW- 10 & 11) will be made after completion of evidence of above witnesses.

Issue summons accordingly at once. Prosecution to take step. Accused as before.

D/C by me

Judge, Spl Court (POCSO Act)

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Basirhat,North 24 -Parganas
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