

Spl. (POCSO) Case no.5/2016( R.5/16)

**CHARGE WITH FOUR HEAD**

[No. XXXII, Schedule II, Act. 2, 1974]

(Sections 211,212, 213, Code of Criminal Procedure.)

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| 1) Name and office of Magistrate, &c                     | I <sup>(1)</sup> , Sri Debasish Datta, Additional Sessions Judge, Basirhat,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2) Name of accd persons                                  | hereby charge you <sup>(2)</sup> ,<br>1) Jagannath Biswas                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 3) State the offence.                                    | <b>Firstly</b> , that you, on 25 <sup>th</sup> day of March, 2016 at about 16.00 hrs in the evening at Dakshin Akratala Kalabagan village under P.S Sandeshkhali , Dist : North 24 Parganas , while victim girl on her way to dance class , in furtherance of common intention kidnapped Rinku Barman (a minor under 18 years of age) from lawful guardianship of Prabhas Barman , her father <b>and that you thereby committed an offence punishable under section 363/34 of Indian Penal Code</b> and within <sup>(4)</sup> <b>the cognizance of this court.</b>                                                                                                               |
| 4) My cognizance/ cognizance of this court of Sessions   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 5) In case tried by Magistrates omit "by the said Court" | <b>Secondly</b> , that you, on 25 <sup>th</sup> day of March, 2016 at about 16.00 hrs in the evening at Dakshin Akratala Kalabagan village under P.S Sandeshkhali , Dist : North 24 Parganas, in furtherance of common intention induced Rinku Barman a minor girl under the age of 18 years to go to a different unknown place with the intent that the said Rinku Barman (or knowing it to be likely that the said Rinku Barman ) may be forced (or seduced) to illicit intercourse with another person <b>and that you thereby committed an offence punishable under section 366-A/34 of Indian Penal Code</b> and within <sup>(4)</sup> <b>the cognizance of this court.</b> |
|                                                          | <br><b>Thirdly</b> , that you, that you, on 25 <sup>th</sup> day of March, 2016 at about 16.00 hrs in the evening at Dakshin Akratala Kalabagan village under P.S Sandeshkhali , Dist : North 24 Parganas , committed rape upon Rinku Barman under sixteen years of age ,( aged 13+ years) and that you thereby committed an offence punishable under <b>Section 376(2)(i) of Indian Penal Code</b> , and within <sup>(4)</sup> <b>the cognizance of this Special court.</b>                                                                                                                                                                                                     |

**Fourthly** , that you, on 25<sup>th</sup> day of March, 2016 at about 16.00 hrs in the evening at Dakshin Akratata Kalabagan village under P.S Sandeshkhali , Dist : North 24 Parganas committed aggravated penetrative sexual assault upon Rinku Barman , a minor girl of 13+ years , and that you thereby committed an offence punishable under **Section 6 of Prevention of Children From Sexual Offences Act (POCSO)**, and within<sup>(4)</sup> the cognizance of this Special court.

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

The substance of accusation punishable under Section 363/34, 366-A/34, 376(2)(i) of Indian Penal Code and S. 6 of Prevention of Children From Sexual Offences Act (POCSO) 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 8<sup>th</sup> day of June, 2018.

Judge, Spl. Court, Prevention  
of Children From Sexual  
Offences Act (POCSO)

**Spl. (POCSO) Case no.5/2016(R.5/16)**  
**CHARGE WITH THREE HEAD**  
**[No. XXXII, Schedule II, Act. 2, 1974]**  
**(Sections 211,212, 213, Code of Criminal Procedure.)**

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|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) Name and office of Magistrate, &c                   | I <sup>(1)</sup> , Sri Debasish Datta, Additional Sessions Judge, Basirhat, hereby charge you <sup>(2)</sup> ,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2) Name of accd persons                                | 1) Amiya Sarkar 2) Jharna Sarkar @ Jhuma                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 3) State the offence.                                  | Firstly, that you, on 25 <sup>th</sup> day of March, 2016 at about 16.00 hrs in the evening at Dakshin Akratala Kalabagan village                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4) My cognizance/ cognizance of this court of Sessions | under P.S Sandeshkhali, Dist : North 24 Parganas, while victim girl on her way to dance class, in furtherance of common intention kidnapped Rinku Barman (a minor under 18 years of age) from lawful guardianship of Prabhas Barman, her father and that you thereby committed an offence punishable under section 363/34 of Indian Penal Code and within <sup>(4)</sup> the cognizance of this court.<br><br>Secondly, that you, on 25 <sup>th</sup> day of March, 2016 at about 16.00 hrs in the evening at Dakshin Akratala Kalabagan village under P.S Sandeshkhali, Dist : North 24 Parganas, in furtherance of common intention induced Rinku Barman a minor girl under the age of 18 years to go to a different unknown place with the intent that the said Rinku Barman (or knowing it to be likely that the said Rinku Barman) may be forced (or seduced) to illicit intercourse with another person and that you thereby committed an offence punishable under section 366-A/34 of Indian Penal Code and within <sup>(4)</sup> the cognizance of this court.<br><br>And I do hereby direct that you be tried <sup>(5)</sup> by this Court on the said Charge.<br><br>The substance of accusation punishable under Section 363/34, 366-A/34 of Indian Penal Code are read over and explained to each of the accused persons in Bengali to which pleads not guilty by saying "Nirdosh" and claims to be tried. |

Dated this 8<sup>th</sup> day of June, 2018.

Judge, Spl. Court, Prevention  
of Children From Sexual  
Offences Act (POCSO)  
08.6.2018

**Spl.(POCSO) Case no. 5 of 2016( R.5/16)**

**Order no.1 dated 8.06.2018.**

Out of the three Accused persons namely Amiya Sarkar, Jharna Sarkar @ Jhuma and Jagannath Biswas -- the first two named on court bail are present with hazira while the last name is produced from Correctional Home .

Ld. Spl. P.P is present with hazira.

Today is fixed for appearance/production and framing of charge.

Charge u/s 363/34, 366-A/34, 376(2)(i) of IPC & S. 6 of POCSO Act are read over and explained to the accused Jagannath Biswas and is framed in prescribed form and annexed with the record.

The substance of accusation punishable under section 363/34, 366-A/34, 376(2)(i) of IPC & S. 6 of POCSO Act are read over and explained to accused Jagannath Biswas in Bengali to which he pleads not guilty by saying "Nirdosh" and claims to be tried.

Charge u/s 363/34, 366-A/34 IPC are read over and explained to the accused persons Amiya Sarkar, Jharna Sarkar @ Jhuma and is framed in prescribed form and annexed with the record.

The substance of accusation punishable under section 363/34, 366-A/34 IPC are read over and explained to accused persons Amiya Sarkar, Jharna Sarkar @ Jhuma in Bengali to which each of them pleads not guilty by saying "Nirdosh" and claims to be tried.

Ld. Spl. P.P and ld. defence lawyer submitted that two dates be fixed for evidence of de facto complainant and victim ( CSW 1 & CSW 2) .

Accordingly, fix 6.7.2018 for recording evidence of CSW 1 .

Fix 7.7.2018 for recording evidence of CSW 2 .

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

Meanwhile, although appointed ld adv Shri Abhijit Biswas filed hazira on behalf of accused Jagannath Biswas, yet it appears from record that accused Jagannath Biswas engaged ld. adv Shri Bapi Gayen on 16.4.2018 as evident from Vokatnama. On being asked in court, this said accused nodded in the affirmative. As such appointment of Shri Abhijit Biswas from SDLSC,Basirhat is cancelled.

Let a copy of this order be sent to Secretary, SDLSC, Basirhat for information with a request to inform the concerned ld. adv and to note in concerned registers.

D/C by me

**Judge,Spl. Court, Prevention**

**of Children From Sexual  
Offences Act (POCSO)  
08.6.2018**

**Judge,Spl. Court, Prevention**

**of Children From Sexual  
Offences Act (POCSO)  
08.6.2018**

