

ST 61 of 2019
Present: Sanjay Naskar, Ld. PO
J.O.Code WB01025

Order no. 61
Dated. 01-02-2024

This day is fixed for production, appearance and evidence of victim No-2 and cross-examination of PW-1.

The accused Gouri Tamang, Rafiqul Laskar and Israfil Laskar are produced from J/C, taken into custody and remanded to J/C. The accused Mrinal Kanti [Sarkar@Gopal](#), Hasirun [Laskar@Jhuma](#) Laskar and Puja Lal Bahadur [Sharma@Asma](#) are present by filing hazira.

The witness CSW-4 is present with the copy of her summon. Keeping the principles laid down in Nipun Saxena & ors vs Union of India in my mind, the particulars of the CSW-4(PW-2) and PW-1 have been kept in a sealed envelop.

Ld. PP in Charge files hazira of the CSW-4(PW-2) and identified her. She is examined as PW-2. The copy of summon, her signatures on her statement u/s 164 of Cr.PC in C/W Basirhat PS case No.1462 of 2016 are marked Exhibit-P3,P4, P4/1, P4/2(PW-2) respectively.

During her cross examination, the Ld Advocate for the accused Gouri Tamang has produced the xerox copy of the statement U/S 164 of Cr.P.C in respect of PW-2 and claimed to have received the said copy U/S 207 of Cr.P.C. and it was shown to the witness PW-2 who identified her signature thereon and it has been marked Exhibit- D1, D1/1(PW-2).

Though the petition U/S 231 of Cr.P.C has been allowed on the earlier occasion but the Ld. Advocate for the accused persons voluntarily cross examined thew PW-2 and she has been discharged.

PW-1 is present. Keeping the principles laid down in Nipun Saxena & ors vs Union of India in my mind, the particulars of the CSW-2(PW-1) have been kept in a sealed envelop.

She is cross examined by the accused Puja in full and she has been partly cross examined by the accused **Israfil Laskar and Rafikul Laskar**. Due to want of time the case is adjourned today.

The accused Rafiqul Laskar has filed a petition praying for bail but none moves it. So, the bail prayer stands rejected.

The Ld. Advocate for the accused Gouri Tamang has filed a petition praying

for bail.

The Ld. Advocate for the accused Gouri Tamang submitted that the accused is in J/C since 24-01-2018 and there is only one victim, PW-1 who stated nothing against the accused. PW-2 is not the victim of this case. So, he prays for bail.

Ld. PP in Charge raised objection.

Having heard both sides and on perusal of the record it appears that PW-1 identified the accused Gouri Tamang in TI parade and during investigation it revealed that the accused Gouri Tamang is one of the associates who has confined the victim in the brothel. It is fact that PW-1 did not state so much against Gouri Tamang in her evidence but the case involved a racket consisting of several persons for committing the offence U/S 363/366/368/370/370A/120B of IPC read with section 3/4/5/6/7/9 of ITPA Act and each accused had different role for running such racket. Considering all aspects, the prayer for bail of the accused Gouri Tamang stands rejected.

To date for cross-examination of PW-1.

Dictated & Corrected by me.

Addl. Session Judge,
Fast Track 3rd Court, Basirhat.

Sanjay Naskar.
J.O.Code WB01025
Addl. Session Judge,
Fast Track 3rd Court, Basirhat.