

Spl(POC) 98/22

22/06.09.2024

Accused Banokumar Sardar is produced from J.C and remanded to J.C till

Ld. Spl. P.P files hazira for the state with one witness / the V.G .

Ld. Advocate for the accused is also present .

The V.G is examined and cross examined in full and discharged.

During her examination her two signatures on her statement u/s 164 Cr.P.C are marked as exbt. 5/1 & 5/2 .

An application has been filed on behalf of the accused praying for bail on the ground stated therein.

Ld. Spl. P.P raises no objection to the bail petition.

Perused the materials on record .

It is a case under sections 363/365 IPC adding sec. 376 IPC and sec. 4 of POCSO Act . However, considering the deposition of V.G and D.C , I am of the view that the accused may be released on bail on filing bail bond of Rs. 5000/- with two sureties of Rs. 2,500/- each, subject to the satisfaction of Ld. ACJM, Basirhat, .

If on bail to 24.02.2025 for appearance/ evidence of CSW 2 .

dictated & corrected by me

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

Judge,Spl. Court (POCSO Act)
Basirhat, North 24 Parganas
J.O Code : WB 00894

Spl(POC) 65/17

contd.

Perused materials on record.

It appears from order dated 12.03.2019 that the prayer u/s 231(2) Cr.P.C was allowed in respect of a single witness and not beyond that. The Cross examination of P.W-1Momena Khatun has already been deferred on 11.03.2019. The name of the next witness has not been mentioned in the order dated 12.03.2019.

In such circumstance , I find no impediment for allowing the petition.

Hence, prayer is considered and allowed.

Issue summons upon C.S witness No. 3 fixing for evidence.

Prosecution to take steps.

dictated & corrected by me

Judge,Spl(POCSO) Court
Basirhat, North 24 Parganas.

Judge,Spl(POCSO) Court
Basirhat, North 24 Parganas.

S.T 3(1)14

54/ 19.5.2018

Out of three Accused namely Abani Ari , Durgapada Ari and Monoranjan Ari – the last two named are absent by petition and represented u/s 317 Cr.P.C while the first named accused is present with hazira .

Today is fixed for evidence of I.O i.d date for examination of accused persons u/s 313 Cr.P.C will be fixed.

This day Ld. P.P in charge is present with hazira along with an application to close the evidence on the ground stated therein.

Perused. Heard. As per prayer of prosecution evidence is

closed today.

Prayer of absentee accused persons is allowed.

To 13.6.2018 for examination of accused persons u/s
313 Cr.P.C .

All the accused persons must remain present.

dictated & corrected by me

Additional Sessions Judge,
Basirhat, North 24 Parganas.

Additional Sessions Judge,
Basirhat, North 24 Parganas.

SC 04(10)14

19/ 19.12.2017

Accused Safikul Mondal @ Safiq , Sahabuddin Molla , Ebadat Quazi , Sajjad Molla and Madhab Chandra Dhara are present with haziras while accused Jiyaruluddin Molla, is absent by petition and prays for time. No

E.R of W.A against accused Md. Sajahan and Prasanta Nath.

Today is fixed for appearance/E.R of W.A.

No step taken on behalf of State/prosecution. Initially Late Basanta Sen was conducting the case on behalf of State Prosecution but since then no fresh appointment has been made.

It appears from the record that the case is being delayed due to non-execution of W.A of the above noted three accused persons for more than 3 years .

In view of the above, I.C Basirhat P.S is directed to comply on or before the date below, i.d necessary order will be passed.

Perused the prayer of absentee accused Jiyaruluddin Molla .

In view of the circumstances and for ends of justice , prayer is allowed on condition to remain present on the date below.

Let the case be transferred to the court of Ld. ADJ,FTC-3,Basirhat for disposal.

To 05.01.2018 for appearance/ E.R of W.A against accused persons namely Md. Sajahan and Prasanta Nath/steps by prosecution before the Ld. transferee court .

dictated & corrected by me

Additional Sessions Judge,
Basirhat, North 24 Parganas.

Additional Sessions Judge,
Basirhat, North 24 Parganas.

48/ 05.4.2017

Accused Ajgar Molla , Ahamed Ali Molla ,Kader Molla, Mojem Molla and Rafikul Molla are present with haziras . No E.R of W.A vide order No. 31 dtd. 23.7.2013 against accused Bhola Molla, Noor Hossain and Sk.Moinur .

Today is fixed for appearance/E.R of W.A against accusedBhola Molla, Noor Hossain and Sk.Moinur . .

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

An Officer of Minakhan P.S appear with a prayer to issue fresh W.A against the above noted accused persons.

Perused. Heard. Considered. Prayer is allowed.

Issue fresh W/A and recall earlier W.A issued vide P-No. 247,247(i) and 247(ii) .

To 21.07.2017 for appearance/ E.R of W.A against accused persons namely Bhola Molla, Noor Hossain and Sk.Moinur.

dictated & corrected by me

Additional Sessions Judge,
Basirhat, North 24 Parganas.

Additional Sessions Judge,
Basirhat, North 24 Parganas.

15/ 06.02.2017

Appellant files hazira through Ld. advocate while respondent is present with hazira.

Today is fixed for hearing two petitions dtd. 11.12.2015 and 21.1.2016.

Firstly, the petition dtd. 11.12.2015 is taken up for hearing.

This is a petition u/o 22 R. 4 of CPC praying for substitution has proposed in the prayer along with affidavit.

Ld. Advocate of appellant while moving the petition submitted the substitution petition is filed well within the time and so it may be allowed.

Ld. advocate for respondent did not raise any objection.

On scrutiny of the record this court does not find death certificate of respondent no.2 Md. Akbar Alli Gazi who expired on 13.10.2015 which is an essential document in calculating the period. As such order is not passed today till receipt of death certificate of respondent no.2.

To 23.2.2017 for filing death certificate of respondent no.2 and Akbar Alli Gazi.

Secondly, the petition dtd. 21.1.2016 being dependent upon petition dtd. 11.12.2015. So, the same cannot be disposed of without disposing of the latter petition.

To date .

dictated & corrected by me

SC 4(10)14

15/ 07.2.2016

Out of eight (8) accused persons named in the charge sheet like Jiaruluddin Molla , Sahabuddin Molla, Madhab Chandra Dhara,Ebadat Gazi, Safikul Molla ,Sajjat Molla ,Md. Sahajahan and Prasanta Nath,the first four named are present with haziras while next two are absent by petition and prays for time but accused Prasanta Nath who was filed for the present vide order dtd. 03.7.2014 of Ld. ACJM, Basirhat, is still awaited .Meanwhile order No.12 dtd.02.6.2016 passed by this court indicates that W.A was although issued against accused Md. Sahajahan yet the same has not been actually issued.

Ld. P.P is present with hazira .

Today is fixed for appearance /E.R of W.A against accused Md. Sahajahan.

It appears that W.A issued vide order no.12 dtd. 02.6.2016 against accused Md. Sahajahan has not yet been actually issued. As such B.C II is directed positively to issue the same at once . I.C Basirhat P.S on receipt of the same is positively directed to execute the same on or before the date below.

To 18.4.2017 for appearance /E.R of W.A against accused Md. Sahajahan.

dictated & corrected by me

It appears from the record and charge sheet in particular that solitary accused person namely Sankar Munda was sent up for trial after commitment.

Ld. P.P is present with hazira.

Today is fixed for E.R of W.A against accused Sankar Munda.

It reveals from order no. 5 dtd.6.8.2010 that W.A was issued against accused Sankar Munda after giving several opportunities by this court. However, the said W.A has not yet been executed during more than six years that has elapsed .Accordingly, O.C Haroa P.S is positively directed to execute the W.A on or before the date below, i.d personal appearance.

To 19.4.2017 for E.R of W.A against accused Sankar Munda .

Let a copy of this order be sent to S.P) North 24 Parganas, SDPO,Basirhat for ensuring positive compliance by O.C Haroa .

A copy of this order be also supplied to O.C Haroa P.S for information and positive action.

dictated & corrected by me

S.T. 1(1)10

76/ 07.5.2018

All the four (4) accused persons namely Kenaram Paul,Chiranjit Paul, Samit Paul and Lakshmi Paul are present with hazira.

Ld. P.P is present with hazira.

Today is fixed for hearing petition u/s 311 of Code of Criminal

Procedure.

Ld. advocate for accused prayed for allowing the petition u/s 311 Code of Criminal Procedure.

Ld. P.P in charge did not oppose .

Perused the prayer. Heard.

Considering the circumstances mentioned in the petition and for just decision of the case , petition u/s 311 Cr.P.C is allowed subject only to questions specified therein .

To 2017 for recalling P.W 1 & P.W 2 on questions , specified in the petition.
dictated & corrected by me

S.T. 1(1)10

76/ 08.2.2017

All the four (4) accused persons namely Kenaram Paul, Chiranjit Paul, Samit Paul and Lakshmi Paul are present with hazira.

Ld. P.P is present with hazira.

Today is fixed for hearing petition u/s 311 of Code of Criminal Procedure.

Ld. advocate for accused prayed for allowing the petition u/s 311 Code of Criminal Procedure.

Ld. P.P in charge did not oppose .

Perused the prayer. Heard.

Considering the circumstances mentioned in the petition and for just decision of the case , petition u/s 311 Cr.P.C is allowed subject only to questions specified therein .

To 2017 for recalling P.W 1 & P.W 2 on questions , specified in the petition.
dictated & corrected by me

SC 12(2)10

26/ 07.2.2017

It appears from the record and charge sheet in particular that solitary accused person namely Sankar Munda was sent up for trial after commitment.

Ld. P.P is present with hazira.

Today is fixed for E.R of W.A against accused Sankar Munda.

It reveals from order no. 5 dtd.6.8.2010 that W.A was issued against accused Sankar Munda after giving several opportunities by this court. However, the said W.A has not yet been executed during more than six years that has elapsed .Accordingly, O.C Haroa P.S is positively directed to execute the W.A on or before the date below, i.d personal appearance.

To 19.4.2017 for E.R of W.A against accused Sankar Munda .

Let a copy of this order be sent to S.P) North 24 Parganas, SDPO,Basirhat for ensuring positive compliance by O.C Haroa .

A copy of this order be also supplied to O.C Haroa P.S for information and positive action.

dictated & corrected by me

S.T. 1(10)15

51/ 27.2.2017

Out of four (4) accused persons namely Amit Kr. Mullick, Monirul Sana , Ashadul and Dalim Sardar ,accused Amit Mullick is present with hazira while rest three accused persons are not produced from sub-correctional Home Basirhat.

Today is fixed for evidence of CSW 1/ Production/appearance.

Ld. P.P . , is present but without summoned witness.

Ld. P.P- in -charge submitted that summons be issued through S.P North 24 Parganas, Ld. defence counsel submitted that prosecution in spite of enough opportunities failed to produce CSW 1 Rubi Bibi and the case is being delayed.

On perusal of record it appears that prosecution had been given sufficient time to adduce evidence but it failed . However, prosecution is directed to take proper steps to produce CSW -1 on the date below positively.

Summons be issued through S.P North 24 Parganas . Meanwhile, it further appears that Vokatnama of custody accused persons although is on record yet on calls none appeared on behalf of those accused .

To 07-04-2017 for Evidence of CSW -1/ production/appearance.

Issue summons through S.P, North 24 Parganas.

dictated & corrected by me

T.A 54/16

4/29.3.2017

Appellant files hazira through Ld. Advocate. Today is fixed for hearing application u/s 5 of Limitation At.

Ld. Advocate while moving the application submitted that in effect there was no delay on the part of the appellant since the date of Judgment was 31.8.2016 and certified copy was received on 23.11.2016 and the instant appeal was filed on 19.12.2016. He further stated that 18.12.2016 being Sunday he filed the same on 19.12.2016 itself.

Having heard the submission of Ld. Advocate for the appellant as well as the instant petition it appears that the contentions and submissions are correct.

Sec. 4 of the Limitation Act categorically states that “where the prescribed period for any suit, appeal (in this case 30 days) or application expires on a day when the court is closed, the suit, appeal or application may be instituted, preferred or made on the day when the court re-opens”. Calendar year of 2016 suggests that 18.12.2016 was in fact a Sunday and the court was closed.

In view of the above this court is of the view that the appeal

was filed well within the statutory period and so it is admitted.

Let the appeal be transferred to the court of Ld. Civil Judge,
Sr. D, Basirhat for disposal fixing 21,4,2017 for appearance .
dictated & corrected by me

Spl. (POCSO) 28/19

7/ 04.5.2019

Although accused Abdul Gazi @ Putu has not been produced from Police remand physically today yet an explanation regarding reasons for physical non-production of said accused before this court has been submitted day to day from 29.4.2019 till this day.

Perused the explanation dt. 4.5.2019 submitted by I.O.

Having gone through the explanation and the prevailing situation in Basirhat Sub-Divisional Court, the same seems to be adequate.

With the ongoing sit-in programme by ld. Members of the local Bar still in progress ,so I.O is directed to produce remanded accused Abdul Gazi @ Putu physically before **Ld. Chief Judicial Magistrate ,North**

24 Parganas at Barasat for taking necessary step in this behalf.

To 13.5.2019 for production and awaiting order from **Ld. Chief Judicial Magistrate ,North 24 Parganas at Barasat.**

Let a copy each of this order along with a xerox copy of I.O's explanation dt. 4.5.2019 be sent to Ld. Chief Judicial Magistrate ,North 24 Parganas at Barasat and I.O of this case for information and necessary action.

dictated & corrected by me

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

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

SC 12(2)10

26/ 07.2.2017

It appears from the record and charge sheet in particular that solitary accused person namely Sankar Munda was sent up for trial after commitment.

Ld. P.P is present with hazira.

Today is fixed for E.R of W.A against accused Sankar Munda.

It reveals from order no. 5 dtd.6.8.2010 that W.A was issued against accused Sankar Munda after giving several opportunities by this court. However, the said W.A has not yet been executed during more than six years that has elapsed .Accordingly, O.C Haroa P.S is positively directed to execute the W.A on or before the date below, i.d personal appearance.

To 19.4.2017 for E.R of W.A against accused Sankar Munda .

Let a copy of this order be sent to S.P) North 24 Parganas, SDPO,Basirhat for ensuring positive compliance by O.C Haroa .

A copy of this order be also supplied to O.C Haroa P.S for information and positive action.

dictated & corrected by me

S.T. 1(10)15

51/ 27.2.2017

Out of four (4) accused persons namely Amit Kr. Mullick, Monirul Sana , Ashadul and Dalim Sardar ,accused Amit Mullick is present with hazira while rest three accused persons a re not produced from sub-correctional Home

Basirhat.

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dictated & corrected by me