

CNR No.WBPU01-000002-2021.

J.O. Code : WB00673.

In the Court of A.D.J, 2nd Court, [Spl. Court under POCSO Act] Purulia.

Sessions (Spl.) Case No.02 of 2021

[Purulia (Sadar) Women P.S. Case No.12, dt.25.12.20, U/s.10, POCSO Act.]

Or. No.25

Dt.26.09.22

Both the accused persons, namely, Soumili Das and Sisir Kumar Mahato @ Sisir Mahato have been produced today before this Court from J.C.

Ld. Spl. P.P. is present. Ld. Defence Lawyers are also present.

Today is fixed for appearance of both the accused persons, namely, Soumili Das and Sisir Kumar Mahato @ Sisir Mahato from J.C and for consideration of charge.

Today Ld. Advocate for accused Soumili Das has filed one petition praying for bail of said accused on the ground stated therein.

In this case the C.S has already been submitted U/s.10 of the POCSO Act. So, the bail petition filed today U/s.439 Cr.P.C and as per provision of S.439 (1A) Cr.P.C the presence of the informant is obligatory.

Issue notice to the defacto complainant directing him to be present before this court at the time of hearing of the bail petition of accused Soumili Das on the next date.

Today is fixed for consideration of charge.

Ld. Advocate for the defence side has filed one petition stating inter alia that in the instant record Mr. N. L. Singhanian have been appearing as Spl. P.P though at the relevant time a fresh list of the Additional Public Prosecution was published and in the same the name of Mr.N.L.Singhanian is absent and the appointment of the Spl. P.P U/s.30 of the POCSO Act was published in the year 2018 and in said list Mr. N. L. Singhanian was one of the 03 Spl. P.Ps and that said Notification No.136-JL-Kolkata, dt.12.06.2018 indicates that such notification was on the basis of empaneled A.P.Ps at the relevant time and the question is whether said Mr. N.L.Singhanian can still demand to be a Spl. Public Prosecutor U/s.30 of the POCSO Act or not. In the instant petition the defence side has

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prayed before this court to consider the matter to avoid failure of justice in future.

The copy of the instant petition has not been served upon Ld. Spl. P.P Mr. N. L. Singhanian and Ld. Advocate for defence side has submitted that Ld. Spl. P.P has refused to receive the copy of the instant petition filed today from defence side.

Considered.

The defence side is hereby directed to serve the copy of the instant petition upon the prosecution.

Let the instant petition filed today be kept with the case record for consideration on the next date after service of copy of the same by the defence side upon the Ld. Spl. P.P.

In view of the above noted facts and circumstances, the instant case is adjourned today.

To 04.11.2022 for production of both the accused persons, namely, Soumili Das and Sisir Kumar Mahato @ Sisir Mahato from J.C, hearing of the petition filed today by the defence side challenging the power of the present Spl. P.P of this case and hearing of the bail petition U/s.439 Cr.P.C of accused Soumili Das in presence of the defacto complainant.

Both the accused persons, namely, Soumili Das and Sisir Kumar Mahato @ Sisir Mahato are hereby remanded to J.C till next date.

D/c. by me

Judge

ADJ, 2nd Court, Purulia.
[Spl. Court under POCSO Act]

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