

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No.07/2022
CNR – WBSP01-000303-2022

Ref.: West Port PS Case no:04/2022 Dated : 06.01.2022
U/s 08/12 of the Protection of Children from Sexual Offence Act, 2012.

Present :Umesh Singh (JO Code - WB00783)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas

State Vs. Rohit Singh

Order No.01

Dt.07.01.2022

Received the written FIR, formal FIR, Inspection Memo, Memo of arrest, check list, seizure list dated 06.01.2022, Zimmanama, medical report of the victim girl alongwith forwarding report and other documents.

Register the same as Special Case No.07 of 2022 u/s 08/12 of the Protection of Children from Sexual Offence Act, 2012.

Accused Rohit Singh (25 years) is brought under arrest. He is taken into custody.

A bail petition has been filed on behalf of the accused alongwith fresh vokalatnama.

Heard both sides.

Learned advocate moves bail application on behalf of accused and submits that accused is innocent and he has been falsely implicated in this case. The allegation levelled against him are false, fabricated, concocted and baseless. No bail prayer is pending or rejected before any higher forum. Accused may be enlarged on bail imposing any terms and conditions.

Learned Special P.P raises objection.

Perused the materials on record and case diary.

Considering the nature of the allegation and initial stage of investigation bail prayer of accused Rohit Singh stands rejected.

Accused is remanded to J.C.

I.O has made prayer for P.C of this accused till 20.01.2022 for the purpose of investigation. He has also made prayer for recording statement of the VG u/s 164 Cr.P.C.

Heard learned Special P.P as well as the I.O. Perused the prayers.

I do not find any justification for allowing P.C of the accused and accordingly, prayer of the I.O for P.C of accused stands rejected but prayer of the I.O for recording statement of VG u/s 164 of Cr.P.C is considered and allowed for the purpose of investigation.

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The identity of the minor victim girl is required to be kept confidential as per provisions of **Sec 33 (07) of POCSO Act, 2012** as well as **under the direction of the Hon'ble Supreme Court in Nipun Saxena Vs Union of India** and **the direction of the Hon'ble High Court, Calcutta in Bijoy @ Guddu Das Vs The State of West Bengal** and also in **Prabir Bhuian Alias Prabir Bhuinyan Vs The State of West Bengal**.

Accordingly, I.O is directed to take care and to take necessary steps so that the identity of the victim girl is not disclosed during the investigation of this case.

Learned A.C.J.M., Alipore is requested to record the statement of victim girl u/s 164 Cr.P.C either personally or by deputing any other Magistrate within 48 hours following the procedure as laid down in section 25 and 26 of the POCSO Act, 2012 and to forward the same to this Court without undue delay. In view of the direction of the Hon'ble High Court, Calcutta vide Judgment dated 16.12.2021 delivered by the Hon'ble Justice Bibek Chawdhuri in **CRA 517 of 2017** (Prabir Bhuian Alias Prabir Bhuinyan Vs The State of West Bengal) the learned Magistrate is also requested to take care and to take necessary steps so that the identity of the victim girl is not disclosed during recording of the statement of the victim girl.

The I.O. of this case is directed to take further instruction from the learned Magistrate regarding the production of the victim girl for recording her statement.

Supply a copy of the statement to the I.O as and when the same is received.

Inform the learned Additional Chief Judicial Magistrate by sending a copy of this Order along with photocopy of written complaint and formal F.I.R.

To 21.01.2022 for production of accused and I.O's report.

Call for CD on the date fixed.

D/c by me.
Sd/-Umesh Singh
Judge, Special Court &
2nd A.S.J., Alipore.

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