

CNR No: WBSP01-000500-2020
Present: Subhra Som Ghosal
J.O Code: WB00984
JJB Case No: 03 of 2020
CIS No. Special Court Cases/3/2020



Order No. 45, dated: 31-01-2024.

The CCL has been produced from the CCI.

As stipulated by the previous order today is fixed for recording of further evidence of the victim with the assistance of special educator namely Sumana Dutta Gupta and Counselor namely Arpita Roy Chowdhury.

The victim has been produced today from Lumbini Park Mental Hospital with the assistance of Adrija Das, GDA of the Mental Hospital.

On call one Ld. Advocate representing the Ld. Public Prosecutor-in-charge as well as the Ld. Advocate for the accused person are found to be present.

The Ld. Advocate representing the prosecution submitted that Smt Sarbani Ray, Ld. Public Prosecutor-in-charge appointed for this case is bed ridden due to her several ailments and the case may be adjourned on this day.

The Ld. Advocate for the accused person in all his fairness submitted that he is conversant about the illness of the Ld. Public Prosecutor-in-charge and he has no objection if the case is adjourned on this day. However it was submitted that necessary order may be passed to ensure speedy trial.

Considering such submission as well as taking into account the fact that the victim as well as the Special educator are present, I find it condign to examine the victim to see whether she is capable of freely deposing in this Court with the assistance of the Special Educator.

As per Rule 7 of the 'Guidelines for Recording Evidence of Vulnerable Witnesses' notified vide Notification No. 3688-RG dated – 29th July, 2022 every vulnerable witness shall be presumed to be competent to testify as a witness. Still questions were put to the witness by this Court to assess the competence of the witness and it has appeared that she is capable of understanding the questions put to her and she is capable of giving rational answers to those questions and with the assistance of the Special Educator she will be capable to depose in a robust manner. Accordingly this Court certifies the witness to be fit to depose.

Questions were put the witness directly by this Court and when necessary the assistance of the Special Educator was accordingly taken. The witness gave her statement herself and when necessary took the assistance of the Special Educator. The statement so recorded has been read over and explained to the witness with the Assistance of the Special Educator and the witness/victim admitted that the statement was correctly recorded according to her version and it contents a full and true account of the statement made by her. She put her signature on the statement so recorded after admitting that the same to have been correctly recorded as per her version. The Special Educator also endorsed her signature.

The evidence was recorded in camera following the modalities under section 327 of the Criminal Procedure Code 1973. The name of the victim has not been disclosed while recording evidence and the statement recorded on this day has been kept in a sealed cover.

The CCL is remanded to safe custody of CCI and be produced on on 12-02-2024.

The victim be also produced with required assistance. The Special Educator should stay present on that day.

Let a copy of this order sheet be sent to the Secretary, DLSA, South 24 parganas at Alipore, Additional District Magistrate (Social Welfare), South 24 parganas at Alipore, DSWO, South 24 parganas at Alipore for their information and compliance.

Typed by me and;
corrected on the system.

Sd/-Subhra Som Ghosal
Additional District and Sessions Judge,
01st Court, Alipore, South 24 parganas.

Sd/-Subhra Som Ghosal
Additional District and Sessions Judge,
01st Court, Alipore, South 24 parganas.