

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No.75/2026
CNR WBSP01-002753-2026

Ref.: Haridevpur PS Case no: 60 Dated : 21.02.2026
U/s 64(1)/3(5) BNS & Sec. 6 of POCSO Act and Sec.9/11 of
Prohibition of Child Marriage Act.

Present : Mahua Roy Basu (JO Code - WB00822)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas. (In-charge)

Order No.01
Dt. 23.02.2026

Received the original case record from the Court of the Ld. Addl. Chief Judicial Magistrate, Alipore along with relevant documents.

Accused Sabir Md @ Sabir Ali (18 years) is brought under arrest and produced before this Court along with relevant documents.

Let the case be registered under POCSO Act.

Mr. Kaushik Chatterjee, Ld. Advocate has entered appearance by filing one fresh Vakalatnama. One bail application has been filed by the Ld. Advocate for the accused. Defacto complainant is not present in Court. Ld. Advocate prays for time to move the application for bail. As such the bail prayer is kept in abeyance.

I.O of this case has made prayer for P.C of this accused till 08.03.2026 for the purpose of investigation. I.O. is present with C.D.

Ld. Advocate for the accused has raised objection against the prayer of PC of the accused.

I have heard the IO as well as the Ld. Special PP and the Ld. Advocate for the accused. I have perused the materials as available in CD.

It is a case under sections 64(1)/3(5) BNS & Sec. 6 of POCSO Act and Sec.9/11 of Prohibition of Child Marriage Act. It appears from the PC prayer of the I.O that prayer of I.O for PC of the accused has been forwarded by superior officer. From the submission of prosecution it reveals that I.O requires PC of these accused for the purpose of verifying the statement of the accused and conducting his medico-legal examination for the purpose of investigation of the case. So, for the purpose of investigation the prayer of PC requires to be allowed and the other prayers of the I.O are also considered and allowed.

Accused Sabir Md @ Sabir Ali is remanded to police custody till **27.02.2026**. I.O is further directed to observe the guidelines of the Human Right Commission and direction of the Hon'ble Supreme Court regarding police custody of the said accused person. I.O is also directed to take all necessary steps for medical check-up of the accused at the regular intervals and not to make any kind of torture during P.C period.

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Other prayers filed by the IO are considered and allowed.

Learned A.C.J.M, Alipore is requested to record the statement of the **victim girl / complainant** u/s 183 BNSS 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 produce the victim girl before the Ld. Magistrate for recording her statement.

The A.C.M.O.H (Medico-legal), Alipore is requested to conduct the medico-legal examination upon the accused person and send the report as early as possible.

The IO of this case is also directed to produce the accused to the concerned hospital on the scheduled date.

Fix **27.02.2026** for production of the accused from PC, hearing of bail application and I.O's report.

IO is directed to produce the CD and serve notice to the defacto complainant securing his / her presence in Court positively on the next date fixed for hearing of the bail application.

Return CD.

D/c by me.

Sd/-

Judge, Special Court &
2nd A.S.J., Alipore

Sd/-

Judge, Special Court
& 2nd A.S.J., Alipore.