

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore

Special Case No. 87/2024

CNR: WBSP01-003287-2024

Ref.: Watgunge PS Case no: 34/2024 Dated : 06.03.2024

U/s 376 of I.P.C read with Sec 06/08/12 of the Protection of Children from Sexual
Offence Act, 2012

Present :Sudipta Bhattacharjee (JO Code - WB00794)

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

Alipore, South 24-Parganas.

State Vs. Sk. Rasheed.

Order No.01

Dt. 07-03-2024

The accused Sk. Rasheed (55 years) is produced before this Court along with relevant documents.

Let the case be registered under POCSO Act.

A bail petition has been filed on behalf of the accused by the ld. Advocate appointed through LADCS.

I.O of this case has made prayer for P.C of this accused till 16-03-2024 for the purpose of verifying the statement of the accused and conducting his medico-legal examination for the purpose of investigation of the case.

He has also made prayer for recording statement of the V.G and the complainant under section 164 of Cr.P.C., medico-legal prayer of the VG and the accused, adding sections 376AB of IPC and section 6 of POCSO Act and for retention of seized document.

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

It is a case 376 of I.P.C read with Sec 06/08/12 of the Protection of Children from Sexual Offence Act, 2012. It appears from the PC prayer of the I.O that prayer of I.O for PC of the accused has been forwarded by Asst. Commissioner of Police, (Administration), Port Division, Kolkata. From the submission of prosecution it reveals that I.O requires a PC of this 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 Sk. Rasheed is remanded to police custody till **15.03.2024**. 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.

Since PC prayer is allowed, the bail petition of this accused is considered and rejected.

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Contd. Order No.01 dt. 07-03-2024

Learned C.J.M, Alipore is requested to record the statement of the **victim girl** and the **complainant** u/s 164 Cr.P.C either personally or by deputing any other Magistrate within 48 hours and send the same before this Court as early as possible.

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

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

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

The Professor & Head of Department of Forensic Science and State Medicine, SSKM Hospital, Kolkata is requested to conduct the medico-legal examination upon the victim girl and send the report as early as possible.

The I.O is also directed to produce accused person and the victim girl to the respective hospitals on the scheduled date.

The prayer of the I.O. for adding sections 376 of IPC and section 6 of POCSO Act is allowed. The prayer for retention of the seized articles in the P.S. Malkhana is also allowed.

The C.I. of Alipore Sessions Court (Kolkata Lock Up) is directed to hand over the accused to the I.O. of this case observing all legal formalities.

To 15-03-2024 for production of the accused from police custody and I.O's report.

D/c by me.
Sd/-

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

Sd/-

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

