

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

Special Case No. 129/2025

Ref.: Thakurpukur PS Case no: 78 Dated : 09.03.2025

U/s 137(2)/65(1) BNS read with sec. 6 of the Protection of Children from Sexual Offence Act, 2012.

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

Order No.01

Dt. 10.03.2025

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

The accused Gautam Das @ Bablu (24 years) is brought under arrest and before this Court along with relevant documents.

Let the case be registered under POCSO Act.

One bail application has been filed on behalf of accused along with one Vakalatnama. Ld. Advocate has prayed for an accommodation to move the prayer for bail. Accordingly the bail prayer is kept in abeyance.

I.O. of this case has made prayer for P.C. of this accused till 22.03.2025 for the purpose of effective investigation into the case.

He has also made prayer for recording statement of the VG and the complainant and also praying for medico legal examination of the VG and the accused person.

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

It is a case under sections 137(2)/65(1) BNS read with sec. 6 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 superior officer. From the submission of prosecution it reveals that I.O requires PC of these accused for the purpose of effective 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 Gautam Das @ Bablu is remanded to police custody till **13.03.2025**. 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. 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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Learned A.C.J.M, Alipore is requested to record the statement of the **victim girl and the 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 and the complainant.

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

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, NRS Medical College & 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.

To **13.03.2025** for production of the accused person from police custody, hearing of the bail application and I.O's report.

The IO of this case is directed to produce the CD and secure the presence of the defacto complainant positively on the next date fixed.

Return CD.

D/c by me.
Sd/-

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

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