

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No. 99/2024

CNR: WBSP01-003877-2024

Ref.: Thakurpukur PS Case no: 78/2024 Dated : 19.03.2024

U/s 366A/370/370A/372/373/120B of I.P.C read with Sec 04/17 of the Protection of Children from Sexual Offence Act, 2012 and section 3/4/5/6/7 of Immoral Traffic (Prevention) Act.

Present :Mir Rashid Ali (JO Code - WB00701)

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

Alipore, South 24-Parganas, In-charge.

State Vs. Susmita Roy alias Susmita Chowdhury & Chaitali Shaw.

Order No.01

Dt. 20-03-2024

The accused persons namely Susmita Roy alias Susmita Chowdhury (22 years) & Chaitali Shaw(50 years) are brought under arrest and produced before this Court along with relevant documents.

Let the case be registered under POCSO Act.

A bail petition along with a vokalatnama has been filed on behalf of the accused Susmita Roy. A separate bail petition is filed for the accused Chaitali Shaw by the ld. Advocate, appointed by LADCS.

I.O of this case has made prayer for P.C of these accused persons till 02-04-2024 for the purpose of further search and seizure and recovery of more evidence 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 for retention of the seized documents.

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

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, AHTU, DD, Kolkata Police, Lalbazar. From the submission of prosecution it reveals that I.O requires PC of both the accused persons 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.

The accused persons namely Susmita Roy alias Susmita Chowdhury & Chaitali Shaw are remanded to police custody till **27.03.2024**. 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 persons. I.O is also directed to take all necessary steps for medical check-up of the accused persons at the regular intervals and not to make any kind of torture during P.C period.

Heard the ld. Advocate for the accused persons regarding the bail prayer of the accused persons and also the ld. Special P.P., who raised objection against the prayer for bail.

Special Case No. 99/2024
CNR: WBSP01-003877-2024

Contd. Order No. 01 dt. 20-03-2024

It is a case 366A/370/370A/372/373/120B of I.P.C read with Sec 04/17 of the Protection of Children from Sexual Offence Act, 2012 and section 3/4/5/6/7 of Immoral Traffic (Prevention) Act. It appears that the case is at early stage of investigation. Considering the materials in case record and in CD and also the nature and gravity of the offence, I am not inclined to enlarge the accused on bail.

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

Learned A. C.J.M, Alipore is requested to record the statement of the **victim girl** 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 for recording her statement.

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

The Professor of Forensic and State Medicine, 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 the victim girl to the hospital on the scheduled date.

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 27-03-2024 for production of the accused from police custody and I.O's report.

Return CD.

D/c by me.
Sd/-

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

Sd/-

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

