

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No.50/2021

CNR – WBSP01-003971-2021

Ref.: Thakurpukur PS Case no:55/21 Dated :17.03.2021

U/s 376/506 I.P.C and Sec 4/6/8 of the Protection of Children from Sexual Offence
Act, 2012.

Present : Umesh Singh (JO Code - WB00783)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.
StateVs. Sandeep Shaw

Order No.01
Dt.18.03.2021

Received F.I.R, formal FIR, Inspection Memo, Memo of arrest, prayers for P.C of the accused, medico-legal examination of accused as well as of the victim girl and for recording of the statement of VG u/s 164 Cr.P.C alongwith forwarding report and other documents.

Register the same as Special Case No.50 of 2021 u/s 376/506 I.P.C and Sec 4/6/8 of the Protection of Children from Sexual Offence Act, 2012.

Accused Sandeep Shaw (18 years) is brought under arrest. He is taken into custody.

A bail petition has been filed on behalf of the accused by learned advocate Mr. Sarfaraz Hossain from Standing Counsel Panel of D.L.S.A, Alipore along with appointment letter.

Heard both sides.

Learned advocate moves bail application on behalf of accused and submits that accused is innocent and he has been falsely implicated in this case. The allegation levelled against him are false, fabricated, concocted and baseless. No bail prayer is pending or rejected before any higher forum. Accused may be enlarged on bail imposing any terms and conditions.

Learned Special P.P raises objection.

Perused the materials on record.

Considering the gravity of alleged offence and initial stage of investigation, bail prayer of accused Sandeep Shaw stands rejected.

I.O has made prayer for P.C of this accused till 24.03.2021 for the purpose of investigation.

He has also made prayer for recording statement of victim girl and her medico-legal examination as well as of accused.

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

Prayers of the I.O are considered and allowed for the purpose of investigation.

Accused Sandeep Shaw is remanded to police custody till 20.03.2021. 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 regular intervals and not to make any kind of torture during P.C period.

Contd....

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The identity of the victim girl is required to be kept confidential as per provisions of **Sec 33 (07) of POCSO Act, 2012** as well as **under the direction of the Hon'ble Supreme Court in Nipun Saxena Vs Union of India** and **the direction of the Hon'ble High Court, Calcutta in Bijoy @ Guddu Das Vs The State of West Bengal.**

Accordingly, I.O is directed to take care and to take necessary steps so that the identity of the victim girl is not disclosed during the investigation of this case.

Learned A.C.J.M., Alipore is requested to record the statement of victim girl u/s 164 Cr.P.C either personally or by deputing any other Magistrate within 48 hours. Learned Magistrate is also requested to record the statements of the witness 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.

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

The Professor & Head of Department of Forensic Science and State Medicine, S.S.K.M, Medical College & Hospital, Kolkata is requested to make necessary arrangement for medical examination of the victim girl by a woman doctor. The examination shall be done following the procedure laid down by section 164A of the Criminal Procedure Code, 1973 (2 of 1974) and section 27 of the POCSO Act, 2012. The examination of the girl should be done in presence of parents of the child or any other person in whom the child reposes trust or confidence. If for any reason, the parents or the person in whom the child has confidence cannot be present in that event, medical examination shall be conducted in presence of a woman nominated by the Head of the Medical Institution.

The Professor & Head of Department of Forensic Science and State Medicine, S.S.K.M, Medical College & Hospital, Kolkata is requested to conduct the Medico-legal examination on the accused and send the report as soon as possible.

The I.O is directed to produce the victim girl and accused to concerned hospital on the schedule date.

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

Inform the learned Additional Chief Judicial Magistrate by sending a copy of this Order along with photocopy of written complaint and formal F.I.R.

To 20.03.2021 for production of accused from P.C and I.O's report.

D/c by me.

Sd/-
Umesh Singh
Judge, Special Court &
2nd A.S.J., Alipore.

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