

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore  
Special Case No. 53/2020  
CNR: WBSPO1-004335-2020

Present :Mir Rashid Ali (JO Code - WB00701)  
Judge, Special Court & 2nd A.S.J.,  
Alipore, South 24-Parganas, In-charge.  
State Vs. Jamat Ali Laya.

Order No.14  
Dt. 18-03-2024

Accused Jamat Ali Laya is brought under arrest on the strength of W/A and produced before this Court in person along with relevant documents.

He is taken into custody and remanded to J/C till next date.

A bail petition along with a vokalatnama has been filed for the accused person.

Heard both sides.

Ld. Advocate for the accused person has submitted that this accused was all along on bail but due to some unavoidable circumstances and also due to miscommunication, no step was taken on behalf of the accused and W/A was issued against him. He further submitted that he will attend the Court regularly. Thus, he prayed for bail of this accused imposing any terms and conditions.

Ld. Special P.P. raised objection against the prayer for bail.

Perused the materials on record.

Considered.

It appears that previously on 09.07.2020 this accused was granted bail by this Court. As he did not appear before this Court since 23.07.2020, W/A was issued against him on 11.12.2023. This case is pending for long time. Considering all I am not inclined to enlarge the accused on bail.

Accordingly, the bail prayer of the accused person is rejected at this stage.

To 21-03-2024 for production of the accused person.

The I.O. is directed to inform the defacto complainant to remain present before the Court on the next date fixed.

Inform the I.O.

D/c by me.  
Sd/-

Sd/-

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

Judge, Special Court &  
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The accused is placed on the dock and apparently it appears that there are injuries on his hand and head and his wounds are bandaged.

The I.O. is present and submitted that the accused was physically assaulted by the local people after the present alleged incident and she filed a photo copy of injury report of SSKM Hospital.

From the xerox copy, it appears that there is a meta carpel fracture. Ld. Advocate for the accused also drew my attention to the fact that in the medical report, signature of the M.O. is absent. The I.O. has submitted a separate medical report of the accused. There is no specific ground, as assigned by the I.O. and it is not convincing to hand over the accused in P/C to the I.O. It further appears that the I.O. has not collected the allegations of the counter case as to how the accused has been assaulted by whom. No report has been collected in the CD.

The I.O. is directed to submit report, in detail, how the accused has been assaulted and by whom.

Considering the above facts and circumstances, I am not inclined to allow the prayer for P/C and as such the prayer for P/C is considered and rejected.

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Contd. Order No.01 dt.08-01-2024

Ld. Advocate for the accused prays for bail of the accused in any condition.

Ld. Special P.P. raised objection against the prayer for bail.

Since it is a case under section 6 of the POCSO Act along with other section of I.P.C., I am not inclined to enlarge the accused on bail.

So, the prayer for bail is rejected.

However, the Superintendent, Presidency Correctional Home is directed to provide adequate medical aids to the accused persons and if necessary to take advice of the doctor, even from any super-specialty hospital.

I.O. is directed to submit a show cause as to why in the Inspection Memo., it was not signed by the Medical Officer.

**Learned C.J.M, Alipore** is requested to record the statements of **victim girl and her mother** 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 her mother for recording their statements.

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

**The Professor & Head, Forensic & Medical, SSKM Hospital, Kolkata** is requested to conduct the medico-legal examination upon the victim girl and the accused and send the report as early as possible.

**The I.O** is also directed to produce accused person to the concerned hospital on the scheduled date. The Superintendent of BCCH is directed to assist the I.O. in this regard.

To 15-01-2024 for production of the accused 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.

