

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No.90/23
CNR – WBSP01-004961-2023

Ref.: SDB Coastal PS Case no:66/23 Dated : 23.03.2023
U/s 363/365/376(2)(n) of I.P.C section 6 of the Protection of Children from Sexual
Offence Act

Present :T.N Pradhan (JO Code - WB00743)
Judge-in-Charge, Special Court & 2nd A.S.J,
Alipore, South 24-Parganas.

State Vs.Sumon Biswas & Ors

Order No.01

Dt.05.04.2023

Received the case record alongwith F.I.R bearing SDB Coastal PS Case no:66/23 Dated : 23.03.2023 and other documents from learned Additional Chief Judicial Magistrate, Alipore.

Register the same as Special Case No.90/2023 u/s 363/365/376(2)(n) of I.P.C section 6 of the Protection of Children from Sexual Offence Act, 2012.

Out of two accused persons accused **Sumon Biswas** is produced from J.C through VCS.

Rest accused **Bivash Biswas** is not produced from J.C through VCS due to suffer from COVID-19 as reported by the Superintendent, Baruipur Central Correctional Home.

A fresh vokatnama has been filed. Let the same be kept with the case record.

None moved on behalf of the accused.

Accordingly accused is remanded to J.C till 19.04.2023.

I.O has made prayer for recording statement of the victim girl u/s 164 Cr.P.C .

Heard learned Special P.P. Perused the prayer.

Prayer of the I.O is considered and allowed for the purpose of investigation.

The identity of the minor 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** and also in **Prabir Bhuian Alias Prabir Bhuinyan 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.

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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 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.

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.

Supply a copy of the statement 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 10.04.2023 for production of accused person and I.O's report.

D/c by me.
Sd/-T.N Pradhan
Judge-in-Charge, Special Court &
2nd A.S.J., Alipore.

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