

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

Special Case No. 263/2025

CNR: WBSP01-006896-2025

Ref.: Kasba PS Case no: 210 Dated : 16.05.2025

U/s 65(1)/351(2)/79/54 of BNS and Sec.6/17, 12 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. 17-05-2025

The accused Arup Dhar (**22 years**) is brought under arrest and produced before this Court along with relevant documents. He is taken into custody and remanded to J/C.

Let the case be registered under POCSO Act.

A bail petition has been filed on behalf of the accused along with one Vakalatnama. Ld. Advocate prays for time to move the bail application. Defacto complainant is also not present. Bail prayer is kept in abeyance.

I.O of this case has made prayer for P.C of this accused till 30.05.2025 to unearth the actual motive behind the crime 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 183 of BNSS and medico-legal prayer of the VG.

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

It is a case u/Sec. 65(1)/351(2)/79/54 of BNS and Sec.6/17, 12 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 the Superior Officer. Thus having considered the submissions of the Ld. Advocate for the defence and also the submissions of prosecution to unearth the truth, I am inclined to allow the prayer for P/C for the purpose of investigation of the case. So, for the purpose of investigation the prayer of PC is allowed and the other prayers of the I.O are also considered and allowed.

Accused Arup Dhar is remanded to police custody till **21.05.2025**. 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 person. 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.

Contd....

Special Case No. 263/2025
CNR: WBSP01-006896-2025

Contd... Order No.01 dt. 17.05.2025

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.

The I.O. of this case is directed to produce the victim girl and the complainant before the Ld. Magistrate for recording their statement.

The Superintendent / Professor & Head of Department of Forensic Medicine, Calcutta Medical College and 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 concerned hospital on the scheduled date.

To **21.05.2025** for production of the accused from police custody, hearing of 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 for hearing of the bail application.

Return CD.

D/c by me.
Sd/-

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

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