

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

Special Case No. 146/2023

CNR – WBSP01-007482-2023

Ref.:Haridevpur PS Case no: 246/2023 Dated : 29.05.2023

U/s 120B/366A/370/372/373 of I.P.C and Sec 04/17/21 of the Protection of Children from Sexual Offence Act, 2012 and section 3/4/5/6/7 of Immoral Trafficking (Prevention) Act.

Present :Manas Ranjan Sanyal (JO Code - WB00666)

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

Alipore, South 24-Parganas.

StateVs Samir Kar & Ors

Order No.01

Dt.30.05.2023

Received the written FIR, formal FIR, Inspection Memo, Memo of arrest, Check lists, Rescue memos, seizure lists dated 29.05.2023 alongwith forwarding report and other documents.

Register the same as Special Case No.146/2023 u/s 120B/366A/370/372/373 of I.P.C and Sec 04/17/21 of the Protection of Children from Sexual Offence Act, 2012 and section 3/4/5/6/7 of Immoral Trafficking (Prevention) Act.

Accused **Soma Pramanik (44 years), Samir Kar (44 years)** and **Samrat Kar (19 years)** are brought under arrest. They are taken into judicial custody.

Seperate bail petitions have been filed on behalf of the accused persons by learned advocate along with fresh vokalatnama. Let the same be kept with the case record.

I.O is directed to inform the defacto complainant regarding bail petition of accused persons.

The I.O of this case has made prayer for P.C of these accused person till 11.06.2023 for the purpose of investigation. He has also made prayer for recording statement of two victim girls u/s 164 Cr.P.C and their medico-legal examination.

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 **Soma Pramanik (44 years), Samir Kar (44 years)** and **Samrat Kar (19 years)** are remanded to police custody till **09.06.2023**.

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 at the regular intervals and not to make any kind of torture during P.C period.

The identity of the minor victim girls 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**.

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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 **two victim girls 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 girls is not disclosed during recording of the statements of the victim girls.

The I.O. of this case is directed to take further instruction from the learned Magistrate regarding the production of the victim girls for recording their statements.

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.

The Professor & Head of Department of Forensic Science and State Medicine, Calcutta Medical College & Hospital is requested to make necessary arrangement for medical examination of two victim girls by a woman doctor and send the report before this Court as soon as possible. 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 I.O is also directed to produce victim girls to concerned hospital on the schedule date.

To **09.06.2023** for production of accused persons from PC and I.O's report.

D/c by me.

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

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