

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No. 159/2021
CNR – WBSP01-009693-2021

Ref.:Behala PS Case no: 224/21 Dated :22.08.2021

U/s 8/12 of the Protection of Children from Sexual Offence Act, 2012.

Present : Pradip Kumar Gangopadhyay (WB00900)
Judge-in-Charge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

State Vs. Bittu Bhattacharjee @ Mithun Bhattacharjee

Order No.01

Dt.23.08.2021

Received the written FIR, formal FIR, Inspection Memo, Memo of arrest alongwith forwarding report and other documents.

Register the same as Special Case No.159 of 2021 u/s 8/12 of the Protection of Children from Sexual Offence Act, 2012.

Accused Bittu Bhattacharjee @ Mithun Bhattacharjee is brought under arrest. He is taken into custody.

A bail petition has been has been filed on behalf of the accused.

Heard both sides.

The accused moves bail application on his behalf and submits that accused is innocent and he has been falsely implicated in this case.

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 and case diary.

Considering the gravity of the allegation and initial stage of investigation bail prayer of accused Bittu Bhattacharjee @ Mithun Bhattacharjee stands rejected.

Accused is remanded to J.C.

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

Heard learned Special P.P-in-Charge. 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.**

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 ACJM, Alipore is requested to record the statements of victim girl and complainant 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 statement of the witnesses 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 and complainant for recording their statements.

Supply a copy each 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 06.09.2021 for production of accused and I.O's report.

D/c by me.

Sd/- Pradip Kumar Gangopadhyay
Judge-in-charge, Special Court &
2nd A.S.J., Alipore.

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