

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

**Special Case No.214/2023**

**CNR – WBSP01-010294-2023**

Ref.: Kalitala Ashuti PS Case no: 97/2023 Dated :13.05.2023

U/s 363/365/376(2)(n) of I.P.C read with Sec 06 of the Protection of Children from Sexual Offence Act

Present :Sudipta Bhattacharjee (JO Code - WB00794)

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

Alipore, South 24-Parganas.

State Vs. Imtiyaz Sah

Order No.01

Dt.24.07.2023

Received the case record alongwith F.I.R bearing Kalitala Ashuti PS Case no: 97/2023 Dated :13.05.2023 and other documents from learned Additional Chief Judicial Magistrate, Alipore.

Register the same as Special Case No.214/2023 u/s 363/365/376(2)(n) of I.P.C read with Sec 06 of the Protection of Children from Sexual Offence Act, 2012.

Accused **Md. Imtiyaz Sah (21 years)** is produced from J.C

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

I.O of this case has made prayer for 07 days P.C for verifying his statement regarding reconstruction of crime scene, recovery of incriminating articles and wearing apparels and medico-legal examination for purpose of investigation. He has also made prayers for recording statement of the victim girl u/s 164 Cr.P.C.

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

It is a case u/s 6 of POCSO Act, 2012 read with section 363/365/376(2)(n) of I.P.C. It appears from the PC prayer of the I.O that prayer of I.O for PC of the accused has been forwarded by Superintendent of Police (Ind.), DDH, Police District. From the submission of prosecution it reveals that I.O requires a PC of this accused for verifying his statement regarding reconstruction of crime scene, recovery of incriminating articles and wearing apparels and medico-legal examination for purpose of investigation. So, for the sake of investigation the prayer of PC requires to be allowed and other prayer of the I.O is also considered and allowed.

Accused **Md. Imtiyaz Sah** is remanded to police custody till **28.07.2023**. 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 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.

Since PC prayer is allowed the bail petition of this accused is considered and rejected.

**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

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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.

**The Superintendent of Baruipur Central Correctional Home** is directed to hand over the accused to the I.O for his police custody on the Schedule date.

**The CI /Lock-up-in-Charge of Lock-up, Bengal Alipore,** is directed to hand over the accused to the I.O for his police custody.

To **28.07.2023** for production of accused from PC and I.O's report.

D/c by me.

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

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