

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No. 216/2023

CNR: WBSP01-010605-2023

Ref.: Rabindra Sarobar PS Case no: 92/2023 Dated: 23.07.2023
U/s- 376 I.P.C & U/s- 6 of the Protection of Children from Sexual Offence Act.

Present: Sudipta Bhattacharjee, Judge(JO code: WB00794),
Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

StateVs..... Raees Mali

Order No.01

Dt. 24.07.2023

Received the written FIR, formal FIR and other documents from the I.O in c/w this case.

Register the same as Special Case No. 216 of 2016 u/s- 376 I.P.C and u/s- 6 of the Protection of Children from Sexual Offence Act.

The I.O of this case has made prayer for recording statements of the complainant and the victim girl u/s 164 of Cr.P.C and medico-legal examination of victim girl.

Heard the learned Special P.P.

The prayers of the I.O are considered and allowed for interest of investigation.

The identity of the minor victim girls are required to be kept confidential as per provisions of **sec 33 (07) of Protection of Children from Sexual Offences 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, the I.O is directed to take care and take necessary steps so that the identity of the victim girl is not disclosed during the investigation of this case.

Learned C.J.M., Alipore is requested to record the statement of **the complainant and the 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.

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

The M.S.V.P, I.P.G.M.E.R & S.S.K.M Hospital, Kolkata is requested to make necessary arrangement for medical examination of the victim girl by a woman doctor. 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 of this case is also directed to produce the victim girl to the concerned hospital on the scheduled date.

Supply a copy of the statements to the I.O as and when the same is received.

Inform the learned Chief Judicial Magistrate by sending a copy of this Order along with photocopy of written complaint and formal F.I.R.

To 21.12.2023 for I.O's report and awaiting statements of the complainant and the victim girl.

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

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