

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

**Special Case No.226/20**

Ref.: Haridevpur PS Case no: 600/20 Dated : 04.12.2020

U/s 120B/366A/370/372/373 of I.P.C read with section 4/17/21 of POCSO Act, 2012 and section 3/4/5/6/7/18 of I.T (P) Act.

Present : Ashutosh Sarkar, Judge, Special Court & 2nd A.S.J.,  
Alipore, South 24-Parganas.

State .....Vs. Chaitali Shaw & Ors

Order No.01

Dt.05.12.2020

Received the written FIR, formal FIR, Inspection Memo, Memo of arrest, four seizure lists dated 04.12.2020, Rescue Memo, Remove Memo, Medical Examination Reports of accused persons and forwarding report and other documents.

Register the same as Special Case No. 226 of 2020 u/s 120B/366A/370/372/373 of I.P.C read with section 4/17/21 of POCSO Act, 2012 and section 3/4/5/6/7/18 of I.T (P) Act.

Accused, Sahid Mondal, Sonali Mal and Chaitali Shaw are brought under arrest. They are taken into custody.

Learned advocate Mr. Suddha Satwa Mukherjee moves bail application on behalf of accused, Sahid Mondal and submits that he was a customer and he was found in compromising position with a major girl. He has no role in running the brothel. He may be enlarged on bail imposing any terms and conditions.

Accused, Sonali Mal and Chaitali Shaw moves their bail application in person. They submitted that they are innocent. They do not know the victim girls. They may be released.

Learned Special P.P raises objection and submits that one minor girl was recovered from the same premises. Investigation has just commenced. There is strong complicity against all of them. She has strong objection in releasing either of them.

The incident as reported is a matter of grave concern. Three victim girls including one minor have been recovered from the place of occurrence. There is no convincing ground to release the accused persons at this stage. Accordingly, their bail prayer is rejected.

I.O has made prayer for P.C of accused, Sahid Mondal, Sonali Mal and Chaitali Shaw till 17.12.2020 for the purpose of investigation.

She has also made prayer for recording statements of three victim girls u/s 164 of Cr.P.C, their medico-legal examination and accused persons.

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

The prayers of the I.O are considered and allowed for the interest of investigation. Accused, Sahid Mondal, Sonali Mal and Chaitali Shaw are remanded to police custody for six days with the direction upon the I.O to produce them before this Court on 11.12.2020. 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 accused persons. I.O is also directed to take all necessary steps for medical checkup of the accused persons if required and not to make any kind of torture during P.C.

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Learned A.C.J.M., Alipore is requested to record the statements of three victim girls 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 statements 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 girls for recording their statements.

The Professor & Head of Department of Forensic Science and State Medicine, Calcutta Medical College & Hospital, Kolkata is requested to make necessary arrangement for medical examination of the victim girls 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 girls 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 Professor & Head of Department of Forensic Science and State Medicine, Calcutta Medical College & Hospital, Kolkata is also requested to conduct medico-legal examination upon the accused, Sahid Mondal and send report as soon as possible.

The I.O is also directed to produce the accused, Sahid Mondal and victim girls to the concerned hospital on the schedule date.

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.

To 11.12.2020 for production of accused persons from P.C and awaiting statements of the victim girls.

D/c by me.

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

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