

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

**Special Case No. 294/2024**

CNR: WBSP01-011896-2024

Ref.: Nodakhali PS Case no: 346/24 Dated : 07.09.2024

U/s 351(2) BNS & under sec 12 of the Protection of Children from Sexual Offence Act, 2012

Present :Sudipta Bhattacharjee (JO Code - WB00794)

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

Alipore, South 24-Parganas.

Order No.01

Dt. 09-09-2024

Received the original case record from the Court of the Addl. Chief Judicial Magistrate, Alipore along with relevant documents.

The accused Birendra Nath Das (50 years) is produced before this Court in person from J/C.

Let the case be registered under POCSO Act.

One Vakalatnama is filed. A bail petition has also been filed on behalf of the accused.

The IO of this case made a prayer before the Ld. ACJM, Alipore praying for showing arrest of the FIR named accused in this case who has been produced before the LD. ACJM in connection with Nodakhali PS Case No.345/24 dated 07.09.2024 u/Sec.U/s 351(2) BNS & under sec 12 of the Protection of Children from Sexual Offence Act, 2012.

I have perused the CD. I have perused the prayer of IO as regards shown arrest of the FIR named accused which was duly forwarded by Inspector-in-Charge of Nodakhali PS.

On total perusal of record it appears that though the shwon arrest prayer was pending but the GRO Section of ACJM on Holiday put the accused in judicial custody.

On behalf of the GRO a prayer is made that inadvertantly the accused put in the Judicial Custody along with Nodakhali PS Case No.345 of 2024 dated 07.09.2024. He submitted that the accused was arrested in connection with Nodakhali PS Case No.345 of 2024 dated 07.09.2024 but due to oversite he was taken into custody in connection with this case also. ASI Subrata Roy, Assistant GRO also prayed for mercy. The prayer of Asst. GRO has duly been forwarded by the Ld. ACJM, Alipore.

I have perused the prayer. The same is considered and allowed. GRO Section is directed not to repeat the same in future.

The accused has already been put in J/C. There is no further requirement of allowing shown arrest as the accused has already been in J/C in this case.

Perused the prayer. Considering the materials on record and initial stage of investigation I am not inclined to allow the prayer for bail at

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this stage. The bail prayer is considered and rejected.

**Learned A.C.J.M, Alipore** is requested to record the statement of the **victim girl** u/s 183 BNSS 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.

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 copies of the statement to the I.O as and when those are received.

To **10-09-2024** for production of the accused physically from J/C and I.O's report.

Let a copy of this order be sent to the Superintendent, Baruipur Central Correctional Home for information.

Return CD.

D/c by me.  
Sd/-

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

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