

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No. 318/2024

CNR: WBSP01-012547-2024

Ref.: Alipore PS Case no: 96/2024 Dated: 22.09.2024
U/s- 74/75 B.N.S & U/s-4/10 of the Protection of Children from Sexual Offence Act.

Present: Hiranmoy Sanyal, Judge-in-charge
(JO code: WB00748), Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

StateVs..... Rajesh Harijan

Order No.01
Dt. 23.09.2024

Received the FIR and formal FIR in sealed envelope along with redacted copy of the same, formal FIR and other documents from the I.O in connection with this case.

The I.O of this case submitted a prayer along with G.D extract dated 23.09.2024 and prayed for adding section 4 of POCSO Act with the existing section of law.

Perused the same. Heard the learned Special P.P-in-charge.

Prayer of the I.O is considered and allowed for the interest of investigation.

Let the section 4 of POCSO Act be added with existing sections of law.

Register the instant case as Special Case No. 318 of 2024 under section 74/75 B.N.S and under section 4 of the Protection of Children from Sexual Offence Act, 2012.

The I.O has also made prayer for recording statement under section 183 B.N.S.S as well as medico-legal examination of the victim girl.

Heard the learned Special P.P-in-charge.

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

Learned C.J.M., Alipore is requested to record the statement of victim girl under section 183 B.N.S.S 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 Bhuiyan 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.

The Professor & Head of Department of Forensic Science and State Medicine, 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,

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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 statement 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 F.I.R and formal F.I.R.

To 17.03.2025 for I.O's report.

Sd/- Hiranmoy Sanyal
Judge-in-charge, Special Court &
2nd A.S.J., Alipore.