

IN THE 2nd COURT OF THE ADDITIONAL SESSIONS JUDGE, ALIPORE
Special ST - 01 (12) 19
R- POCSO 216/18

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

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04.12.2019

Out of five accused persons, accused Monojit Das is produced from J.C through V.C.S. Accused Pinki Rajak, Mithu Ghosh and Krishna Singh are produced from J.C in person.

It appears from the record that the death report of accused Uddalak Maitra has been received by this Court from Baruipur Central Correctional Home. Let the case be filed for ever against accused Uddalak Maitra.

Today is fixed for consideration of charge.

Ld. Special P.P-in-charge and Ld. Defence Counsels for accused Monojit Das and Mithu Ghosh are present.

None is present on behalf of accused Pinki Rajak and Krishna Singh on repeated calls.

Accused Pinki Rajak and accused Krishna Singh submit that they have no lawyer to defend their case.

Accordingly Ld. Advocate Sarfaraz Hossain from the Panel of D.L.S.A, Alipore is appointed to defend the case on behalf of accused Pinki Rajak and accused Krishna Singh.

It appears from the record that Hon'ble High Court in CRM-9767 of 2019 vide Order dated 04.11.2019 has been pleased to reject the bail application of accused Manojit Das and has been pleased to direct this Court to consider the issue of framing of charge on the date fixed and if it is unable to do so, positively within seven days thereof without granting unnecessary adjournment to either of the parties. It appears from the record that charge could not be framed against the accused persons on 29.11.2019 due to Resolution of Alipore Bar Association as not to participate in any Court proceeding due to demise of Ex-President of the Bar, Late Ld. Advocate Prithwis Bagchi from 10.30 AM for the rest of the day and accordingly, today is fixed for consideration of charge.

Ld. Special P.P-in-charge opens the case by describing the charges to be framed against the accused persons.

Heard both sides. Perused the materials on record and C.D.

On perusal of the same, I find sufficient materials against the accused person namely Mithu Ghosh under section 366A/370/373/506(II)/120B of I.P.C read with Section 6/17/21 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and section 3/4/5/7 of Immoral Trafficking (Prevention) Act, 1956 and, against accused persons namely Krishna Singh and Pinki Rajak under section 370/373/120B of I.P.C read with section 6/17/21 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and section 4/7 of Immoral Trafficking (Prevention) Act, 1956 and, against accused person namely Manojit Das under section 370/373/120B of I.P.C read with section 6/17/21 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and section 7 of Immoral Trafficking (Prevention) Act, 1956.

Charge is framed accordingly against the accused person namely Mithu Ghosh under section 366A/370/373/506(II)/120B of I.P.C read with Section 6/17/21 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and section 3/4/5/7 of Immoral Trafficking (Prevention) Act, 1956 and, against accused persons namely Krishna Singh and Pinki Rajak under section 370/373/120B of I.P.C read with section 6/17/21 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and section 4/7 of Immoral Trafficking (Prevention) Act, 1956 and, against accused person namely Manojit Das under section 370/373/120B of I.P.C read with section 6/17/21 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and section 7 of Immoral Trafficking (Prevention) Act, 1956 and kept in separate sheets.

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Contd...Order no.1 dated 04.12.2019

The content of the charge is read over and explained to the accused persons in Bengali to which they plead not guilty and claim to be tried.

Now the bail petition of accused Mithu Ghosh has been moved by his Ld. Advocate.

Copy served. Objection noted.

Ld. Advocate for the accused Mithu Ghosh submits that she is innocent and this accused person is in J.C since long and that charge sheet has been submitted in this case. So he prays for grant of bail of this accused person.

Now, the bail petition of accused Pinki Rajak and Krishna Singh has been moved by Ld. Advocate from the Panel of D.L.S.A, Alipore.

Copy served. Objection noted.

Ld. Advocate for the accused Pinki Rajak and Krishna Singh submits that these accused persons are no way connected with this case and charge sheet has been submitted in this case and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prays for grant of bail of these accused persons.

Ld. Special P.P raised strong objection by submitting that all the accused persons are interconnected with trafficking business of minor and major girls and have played pivotal roles in this business and it is a big racket of trafficking and the Hon'ble High Court has been pleased to reject the bail application of accused Pinki Rajak and Manojit Das.

Heard all sides. Perused the applications on record. Considered.

On consideration of the same, I find that charge is framed today against the accused persons under sections of I.P.C along with Immoral Trafficking (Prevention) Act, 1956 and POCSO Act, 2012. Date has been fixed for evidence of the victim girl. It comes out that in CRM No.1066 of 2019 vide order dated.24.01.2019, the Hon'ble High Court was pleased to reject the bail application of accused Pinki Rajak. It also appears that the Hon'ble High Court, Calcutta in CRM-9767 of 2019 vide Order dated 04.11.2019 has been pleased to reject the bail application of co-accused Manojit Das. On consideration of the record and case diary, I find sufficient incriminating materials against the accused persons. Under such circumstances, in view of the observation of the Hon'ble High Court, Calcutta and also considering the gravity of offence and materials in record, I am not inclined to allow bail prayer of these accused persons.

Hence, the bail applications of the accused persons namely Pinki Rajak, Krishna Singh and Mithu Ghosh stand rejected.

Fix 14.01.2020 for evidence of victim girl (As Winter Vacation ensues in the meantime).

At this stage, Ld. Advocate for the De-facto complainant submits that the I.O has submitted report .

To date for hearing the petition along with the report of the I.O.

Accused persons as before.

Issue summons accordingly.

D/C by me
Sd/-Sonia Majumdar
A.S.J 2nd Court, Alipore
South 24 Pgs

Sd/-Sonia Majumdar
Addl. Session Judge
2nd Court Alipore
South 24 Pgs