

**Special Case No.278/2023**  
**CNR – WBSP01-012930-2023**

Ref.:Haridevpur PS Case no: 420/2023 Dated : 07.09.2023

U/s 376(2)(d)(k)(l) of I.P.C read with Sec 6/21 of the Protection of Children from Sexual Offence Act r/w section 92(d) , Rights of persons with disabilities Act, 2016

Present :Sudipta Bhattacharjee (JO Code - WB00794)  
Judge, Special Court & 2nd A.S.J.,  
Alipore, South 24-Parganas.  
State Vs. Jabesh Dutta & Ors.

Order No.15

Dt.18.11.2023

Accused **Jabesh Dutta, Bablu Kundu and Kaberi Das** are produced from J.C through VCS.

A petition has been filed on behalf of accused Bablu Kundu for discharging him from this case as the said accused person has not been sent up for trial.

I.O has made prayer for supplying copy of charge sheet to the above named accused persons in the concerned correctional home.

Learned advocate for accused Kaberi Das filed a petition stating that accused is ailing person and she suffered from heart disease. Thus he prayed for providing necessary medical aid to the accused person in J.C.

Perused the charge sheet alongwith documents including statement of the victim girl.

It appears from the case diary including report in final form that I.O after completion of investigation has not sent up accused Bablu Kundu for trial but the I.O has charge sheeted against two accused persons namely Jabesh Dutta and Kaberi Das. I.O has submitted charge sheet against accused Jabesh Dutta @ Jabesh Datta u/s 120B/323/341/506/376(2)(d)(f)(k)(l)(n) of I.P.C and u/s 7/92(c)(d) of Right of Person with Disabilities Act and against accused Kaberi Das u/s 376(2)(d)(f)(k)(l)(n) of I.P.C and u/s 7/92(c)(d) of Right of Person with Disabilities Act but not under POCSO Act against the said accused persons. From the case record it appears that initially the case was started against all three accused persons including accused Bablu Kundu. Since I.O has not sent up the accused Bablu Kundu for trial the accused Bablu Kundu is entitled to be enlarged on bail.

Accordingly, accused person namely **Bablu Kundu** may find A/I bail of Rs. 5,000/-(rupees five thousands only) with two surety of Rs.2500/- (rupees two thousands five hundreds only) each till 16.12.2023 subject to satisfaction of learned C.J.M Alipore with condition that he shall appear before this Court before on each and every date as fixed by this Court, i.d to J.C.

If on bail to 16.12.2023 for appearance of accused Bablu Kundu.

Contd....

**Special Case No.278/2023**

Contd....Order No.15

Dt.18.11.2023

The application for discharge will be heard after hearing of the defacto complainant/victims/survivors.

Issue notice upon the defacto complainant to appear before this Court and to file appropriate application or any submission against the charge sheet as submitted by the I.O.

Accordingly **the Superintendent, Alipore Women Correctional Home** is directed to provide necessary medical aid to accused Kaberi Das and submit report to this Court regarding the health condition of this accused on 16.12.2023. She is also directed to permit the I.O to supply the copy of charge sheet and other relevant documents to accused Kaberi Das in the correctional Home.

**The Superintendent, Baruipur Central Correctional Home** is directed to permit the I.O to supply the copy of charge sheet and other relevant documents to accused Jabesh Dutta in correctional Home.

I.O is directed to supply copy of the charge sheet and other documents to the accused Jabesh Dutta and Kaberi Das in the concerned Home.

Inform all concerned.

To **16.12.2023** for production of accused persons, appearance of accused Bablu Kundu and hearing of discharge application of accused Bablu Kundu.

D/c by me.

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

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