

Special S.T. No. 03(02)2024

Special Case No.281/2023

CNR – WBSP01-012998-2023

Ref.:Jadavpur PS Case no: 150/2023 Dated : 11.08.2023

U/s 302/34 of I.P.C read with Sec 12 of the Protection of Children from Sexual
Offence Act 4 of the West Bengal Prohibition of Ragging in Educational
Institute Act, 2000

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

Order No. 03

Dt. 12-03-2024

Accused persons namely **1. Sourav Chowdhury, 2. Dipsekhar Dutta, 3. Manotosh Ghosh, 4. Asit Sardar, 5. Saptak Kamilya, 6. Md. Asif Afzal Ansari, 7. Ankan Sarkar, 8. Md. Arif, 9. Sumon Naskar, 10. Satyabrata Roy, 11. Sk. Nasim Akhtar and 12. Himangshu Karmakar** are produced before this Court through VCS.

The bail petition, filed for the accused Dipsekhar Dutta is taken up for hearing.

Heard both sides.

Ld. Advocate for the accused Dipsekhar Dutta submitted that the accused wanted to attend the ritual ceremony of his deceased father who died on 09-03-2024. Thus, he prayed for bail of the accused.

Ld. Special P.P. raised objection against the prayer for bail.

Defacto complainant is present. He also raised strong objection against the prayer for bail.

Perused the CD and photo copy of death certificate of the father of the accused.

This Court on the earliler occasion, had already observed that the case is very serious in nature and there is no scope of enlarging the accused person on bail. Considering the gravity of the offence, I am not inclined to enlarge the accused person on bail.

Hence, the prayer for bail of the accused Dipsekhar Dutta is considered and rejected.

The I.O. of this case in compliance with the order of this Court, submitted a report stating the dates for observing the rituals of the demised father of the accused Dipsekhar Dutta.

Let it be kept with the record.

It transpires from the report that the father of the accused Dipsekhar Dutta died on 09-03-2024 and I.O. after enquiry submitted report as regards the dates for observing the rituals of the deceased father of the accused Dipsekhar Dutta.

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However, the Superintendent of Presidency Correctional Home, Alipore is directed to make necessary arrangement for observing the rituals of the deceased father of the accused person Dipsekhar Dutta by him on the dates as appearing in the report of the I.O., a copy of which is enclosed herewith.

The Dean of Students of Jadavpur University appeared before the Court today and submitted a report given by the Registrar of the University.

Let it be kept with the record.

At this stage the case record is taken up for hearing of the petitions of the accused persons for spot inspection of the place of occurrence.

Since it is an educational institution, the court is very cautious in dealing with such a petition. Thus, a report is called for from the VC of the Jadavpur University. This day the Registrar of Jadavpur University submitted a report. The ld. Lawyers for the respective accused persons informed this Court names of the ld. Advocates who intended to inspect the place of occurrence. The ld. Lawyers for the accused persons submitted for effective cross-examination, the place of occurrence is required to be inspected. The fact remains that the place of occurrence is within the campus of Jadavpur University. The ld. Advocates for the respective accused persons intended to visit the place of occurrence. The copy of the plan of the P.O. has already been supplied to the respective Advocates of the respective accused persons and there is an endorsement on behalf of the ld. Advocates of the accused persons about the receiving of the copies of the plan.

Considering all these, I am of considered view the ld. Advocates of the respective accused persons should be given an opportunity to inspect the spot for ends of justice.

Hence, the prayer is considered and allowed.

Ld. Advocates of respective twelve accused persons, whose names are transpired from the list submitted by the Advocates are permitted to visit the place of occurrence on 23-03-2024 at 3.00 p.m. within the Jadavpur University Campus subject to the following conditions :-

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(a) The inspections will not be continued more than one hour on the scheduled date and time.

(b) The boarders and other employees should not be disturbed in any way and the Ld. Advocates shall not be allowed to talk or communicate with any boarder or employees of the University during inspection and they shall not be allowed to take photograph of any place within the University campus.

(c) No outsider which includes the lawyers' clerks or friends or any relative or any person besides Ld. Advocates whose names have been supplied to the Court is permitted to enter into the campus of Jadavpur University.

(d) The Advocates shall not be allowed to enter into any room of the boarders or any places except the place of occurrence as per plan submitted on behalf of prosecution.

(e) The I.O. of this case shall remain present on the scheduled date and time.

(f) The O/C, Jadavpur P.S. is directed to remain present at the time of visit and to co-operate the I.O. of this case.

A petition is filed on behalf of the prosecution seeking permission to attend the place of occurrence on the date and time fixed for visiting.

The prayer is considered and allowed.

Ld. Special P.P. Sri Gopal Halder and his assistant Mrs. Madhabi Ghosh (Maity) are permitted to remain present on the scheduled date and time at Jadavpur University Campus.

The I.O. is directed to verify the name of the Ld. Advocates including the names of the Special P.P. and his assistant with their respective Identity Cards before entering into the University campus. The Ld. Advocates, as named in the petition are directed to produce their respective Identity Cards to the I.O. of this case for verification for their entry into the campus of the University.

The scheduled date of trial will be fixed on **01-04-2024**.

To date (01-04-2024) for production of the accused persons through VCS and fixing date of trial. The Ld. Special P.P. is also directed to submit the name of the witnesses whom he intends to examine.

Let the names of Advocates be supplied to the I.O.

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The I.O. is directed to appear before the Court on each date of hearing according to law.

Inform all concerned by sending copies of this order.

D/c by me.

Sd/-

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

Sd/-

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