

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. 12

Dt. 07-08-2024

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 witness Dr. Indrani Das is examined in full as P.W. 3. Her cross-examination is deferred on the prayer of defence lawyer and she is discharged. During her examination, the post-mortem report of the deceased, signature of P.W. 3 on the post-mortem report, signature of Dr. Biswanath Saren on the post-mortem report, signature of Dr. Chandan Kumar Jha on the post-mortem report, the letter of the I.O. dated 15-10-2023, signature of P.W. 3 on the said letter, the reply dated 16-10-2023 of P.W. 3, the signature of P.W. 3 on the said reply, another subsequent queries of the I.O. of this case and further reply of queries are marked as Exbt.- P-3, P-3(1), P-3(2), P-3(3), P-4, P-4(1), P-5, P-5(1), P-6 and P-7 respectively. Two serological analysis reports dated 01-09-2023 and 07-09-2023 are marked as 'X' and 'X/1' respectively, three spot visit reports dated 22-08-2023, 24-08-2023 and 31-08-2023 are marked as 'Y', 'Y/1' and 'Y/2' respectively, the vicera report dated 07-09-2023 is marked as 'Z', the forensic report dated 22-08-2023 is marked as 'Z/1', the Inquest Report of the deceased is marked as Z/2, the death certificate of the deceased is marked as Z/3, the police information report is marked as Z/4. The label and the materials viz nail clipping and scrapping, annul swab, blood soaked in blotting papers and scalp hair are marked as MO-10, 11, 12 and 13 respectively as a whole.

The bail petition filed for the accused Ankan Sarkar is taken up for hearing.

Heard both sides.

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Ld. Advocate for the accused submitted that the accused is innocent and has been falsely implicated in this case and he is in custody for a long time. Two witnesses have already been examined. There is no chance of his absconsion and no bail petition is either rejected or pending before any higher Forum. Thus he prayed for bail of the accused in any condition.

Ld. Special P.P. in-charge drew attention of the Court to the page nos. 54A, 121, 124, 141 and 169 of the CD showing involvement of the accused Ankan Sarkar in commission of the alleged offence and raised objection against the prayer for bail.

The defacto complainant is present before the Court and raised objection against the prayer for bail.

Perused the materials in the case record.

It appears in this case charge has been framed against this accused person under sections 4 of West Bengal Prohibition of Ragging in Educational Institute Act, 2000, section 10/12 read with section 17 of the POCSO Act and section 305/34 of I.P.C. Vulnerable witnesses have not yet been examined. The case is very serious in nature. The bail prayer of this accused was rejected on earlier occasion and there is no new ground for considering the prayer for bail of the accused person today. As such, I am not inclined to enlarge the accused person on bail.

Accordingly, the prayer for bail of the accused person is considered and rejected.

At this stage a petition has been filed on behalf of the ld. Special P.P. in-charge with a prayer for allowing him to visit the place of occurrence and inspect the same.

Heard the ld. Special P.P. in-charge. Considered.

Ld. Special P.P. namely Bivas Chatterjee has been appointed in this case. As the ld. Special P.P. has been appointed in this case, he required to inspect the place of occurrence for placing the prosecution case before the Court in effective manner.

Considering all these, I am of considered view that the ld. Special P.P. in-charge should be given an opportunity to inspect the spot for ends of justice.

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Hence, the prayer is considered and allowed.

Ld. Special P.P. in-charge Sri Bivas Chatterjee is permitted to visit the place of occurrence within the Jadavpur University Campus as per the convenience of the Vice-Chancellor of Jadavpur University subject to the following conditions :-

(a) The inspections will not be continued more than one hour on the date and time as may be fixed in consultation with the Vice-Chancellor of Jadavpur University and the Registrar of the University.

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

(c) No outsider is permitted to accompany the Ld. Special P.P to enter into the campus of Jadavpur University.

(d) The ld. Special P.P. in-charge 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 throughout the inspection.

(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.

To 27-08-2024 for production of the accused persons through VCS and evidence.

The I.O. is directed to produce the witnesses on the next date fixed.

Inform.

D/c by me.
Sd/-

Sd/-

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

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

