

Special Case No.311/2023
CNR – WBSP01-014664-2023

Ref.: Basanti PS Case no: 95/16 Dated : 25.02.2016

U/s 363/366A/370/370A/372/34, 376(2)(n) of I.P.C read with Sec 6 of the Protection of Children from Sexual Offence Act, 2012.

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

Order No.01

Dt.11.10.2023

Received the case record alongwith F.I.R being Basanti PS Case no: 95/16 Dated : 25.02.2016 and other documents from learned Additional Chief Judicial Magistrate, Alipore.

Register the same as Special Case No.311/2023 u/s 363/366A/370/370A/372/34, 376(2)(n) of I.P.C read with Sec 6 of the Protection of Children from Sexual Offence Act, 2012.

Accused **Fatema Laskar** is produced from J.C.

A bail petition has been filed on behalf of the accused along with vokalatnama.

Heard. both sides.

Ld. Advocate for the accused submitted that there is no meaning of T.I Parade after a long time. Statement of the victim recorded u/s 164 of Cr.P.C does not speak about the involvement of the present accused. There is no name of this accused in the FIR. No bail prayer is either pending or rejected by any superior court. Thus he prayed for bail on any condition.

Ld. Special P.P raised objection.

The defacto complainant is present who submitted the order of the Honble High Court.

Perused the materials in the C.D and the order of the Hon'ble High Court.

Initially the investigaiton was started by the local police. Subsequently it was moved before the Hon'ble Court and as per direction of the Hon'ble High Court it was transfered to AHTU. The Hon'ble High Court has directed the I.O to submit charge sheet within time period. A Naraji petition was filed on 04.02.2023 and learned ACJM is directed to further investigate into the offence. During further investigation I.O arrested the accused and prayed for TI Parade of the accused and prayed for adding section 6 of the POCSO Act. The other accused persons are still at large. Considering stage of investigaiton and seriousness of allegation I am not inclined to grant bail to the accused. Accordingly bail petition of this accused stands rejected.

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The prayers of the I.O for T.I Parade of the accused by the victim and adding section 6 of POCSO Act, 2012 are considered and allowed.

Learned A C.J.M, Alipore is requested to conduct the T.I Parade of the present accused person namely Fatema Laskar by the victim girl either personally or by deputing any other Magistrate at the earliest and send the report to this Court as soon as possible.

The Superintendent of concerned Correctional Home is directed to make necessary arrangement for T.I. Parade of the accused person namely Fatema Laskar through Video Conference as the victim girl (identifier) is minor.

Let the section 6 of the POCSO Act, 2012 be added with the existing section of law.

To 20.11.2023 for production of accused and I.O's report due to ensuing Puja Vacation which will be commenced on 19.10.2023.

I/O is directed to inform the defacto complainant on the date fixed.

D/c by me.

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

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