

Special Case No.234/19

Ref.:Thakurpukur PS Case no:236/19 Dated :01.11.2019

U/s 366A/370/372/373 I.P.C read with section 4/17 of the Protection of Children from Sexual Offence Act, 2012 and section 3/4/5/6/7/18 of I. T (P) Act.

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

StateVs....Ruksana Bibi and others

Order No.08

Dt.20.11.2019

Accused Somenath Das is produced from J.C through V.C.S.

Accused Arpita Majumdar, Laxmi Sarkar @ Payel and Ruksana Bibi are produced from J.C in person.

Accused Abhirup Nandi @ Jishu, Prosenjit Banerjee @ Joy, Arpita Das and Rabi Pramanick are produced P.C.

They are taken into judicial custody.

Bail petitions have been filed on behalf of accused Arpita Das, Abir Pramanick, Prasenjit Banerjee and Abhirup Nandi, Ruksana Bibi, Laxmi Sarkar @ Payel along with fresh vokatnamas.

I.O of this case is present with the case diary.

Today is also fixed for hearing bail petition of accused Somenath Das and Arpita Majumdar.

Original record has been sent to Ld. ACJM, Alipore for recording the statement of victim girls u/s 164 of Cr.P.C. Hence bail petitions of these accused persons be kept with the record.

Today is also fixed for hearing petition dated 16.11.2019 for releasing major victim girl from Home.

Copy served. Objection noted.

Ld. Advocate for the victim girl Sarmistha Manna submits that the victim girl is a major of 23 years of age as she was born on 21.08.1996. He also submits that at present the major victim girl is staying with All Bengal Women's Union, 89, Eliot Road, Kolkata-16 and so she prays for passing necessary for releasing her from the said Home.

Ld. Special P.P raised objection by submitting that this victim girl is a victim of trafficking though she is a major and the I.O has submitted a Home Study Report of removed victim girl. She prays for passing necessary after observing Home Study Report. She has referred relevant sections of I.T (P) Act, 1956 and has relied upon the decision passed by the Hon'ble Gujarat High Court, the Hon'ble High Court of Delhi and the Hon'ble High Court of Andhra Pradesh.

Heard both sides. Perused the petition, record and case diary. Considered.

On consideration of the same, I find that section 17(4) of I.T (P) Act deals with safe custody of the victim of prostitution and in Sahyog Mahila Mandal & Anr Vs State of Gujarat & Ors, the Hon'ble Gujarat High Court was pleased to observe that the police officer and the Magistrate dealing with the cases of trafficking and prostitution should identify the victim of prostitution and ensure their safety and immediate well being. In the present case it comes out from the record that the I.O has prepared a seizure list on 05.11.2019 between 16.00 hours to 16.20 hours of 1. Birth Certificate and 2. the Voter Identity Card in the name of Sarmistha Manna, wherein it is written that the date of birth of this victim girl is 21.08.1996. It appears from the Home Study Report of the said victim girl as submitted by the I.O, it comes out that the victim girl is aged about 23 years and she was living with her parents, brother and one son studying in Class-I, after leaving her matrimonial house. So, it comes out that she had her own family to reside with and she is a major. Accordingly the prayer of the victim girl should be allowed.

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Hence, it is

O R D E R E D

that the petition of the victim girl in Special Case No.234/19 be and the same is allowed.

The major victim girl Sarmistha Manna in this case be released from All Bengal Women's Union, 89, Eliot Road, Kolkata-16 by furnishing a P/R bond of Rs.500/- with condition to attend the Court in this case as and when required and also with condition to furnish her address after release to the I.O of this case and also to cooperate with the I.O as and when called for.

Let a copy of this order be sent to the Superintendent, All Bengal Women's Union, 89, Eliot Road, Kolkata-16 and also to I.O of this case for information and necessary action.

Fix 04.12.2019 for production and hearing bail petitions.

Accused be remanded to J.C till 04.12.2019.

Call for C.D on the date fixed.

Return CD.

D/c by me.

Sd/-
Sonia Majumdar
Judge, Special Court &
2nd A.S.J., Alipore.

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