

In the Court of Judge, Special Court under POCSO Act cum Additional District &
Sessions Judge, 2nd Court, Alipore, South 24 Parganas

Special Case No. 234/2019
CNR No. WBSP01-015880-2019

Present : Umesh Singh (WB00783)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

Order No.66

Dt.13.08.2021

Five accused persons namely Uttam Biswas, Somnath Das, Abhirup Nandy @Jishu, Rabi Pramanik @Abir and Prasenjit Banerjee @Jay are produced from J.C through V.C.S.

Three female accused persons namely Laxmi Sarkar @Payel, Arpita Majumder and Ruksana Bibi @Tuktuki are produced from Alipore Women Correctional Home in person.

Accused Arpita Das @Putul is not produced from J.C due to her illness as per report from the Superintendent of Alipore Women Correctional Home. Let the report be kept in case record.

Learned Special P.P-in-Charge is present.

Learned Defence Counsels for all the nine accused persons are also present.

Today is fixed for passing order in respect of consideration of charge, hearing of bail application of accused Prasenjit Banerjee @Jay, Uttam Biswas, Somnath Das and Arpita Das @Putul and also passing order regarding the discharge prayer of accused Ruksana Bibi @Tuktuki u/s 227 of Cr.P.C.

Perused the materials available in the case record and the C.D.

Considering all the factual and legal aspects of this case and materials in the case diary and also the materials available in the case record I find prima facie materials to presume that the accused person namely Uttam Biswas has committed offences punishable under section 376(3) of I.P.C, section 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and section 3/4/5/6 of I.T (P) Act. I also find sufficient materials to presume that the accused persons namely Arpita Das @Putul and Ruksana Bibi @Tuktuki have committed offences punishable under section 366A/ 373 of I.P.C, section 4/17 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and section 3/4/5/6 of I.T (P) Act. I further find sufficient materials to presume that accused persons namely Somnath Das, Abhirup Nandy @Jishu, Rabi Pramanik @Abir, Prasenjit Banerjee @Jay, Laxmi Sarkar @Payel and Arpita Majumder have committed offences punishable

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under section 363/366A/ 372 of I.P.C, section 4/17 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and section 3/4/5/6 of I.T (P) Act.

Considering the gravity of offence and materials available in the case record and the involvement of the accused persons in the alleged offences bail prayer of four accused persons namely Prasenjit Banerjee @Jay, Uttam Biswas, Somnath Das and Arpita Das @Putul stands rejected.

Discharge prayer filed by accused Ruksana Bibi @Tuktuki u/s 227 of Cr.P.C is misconceived and without any merit. Accordingly, the same is also rejected.

At this stage a petition has also been filed on behalf of Madhumita Mitra along with vokalatnama and affidavit praying for call for report from the I.O regarding handing over the keys of the seized flat situated at Hiland Green Phase-I, Tower-5, flat -7A1, New Bata Road-1, Maheshtala, Batanagar, Kolkata-700140.

Heard learned Special P.P. Perused the petition.

Call for report from the I.O regarding prayer of the petitioner Mrs. Madhumita Mitra for handing over the keys of the seized flat situated at Hiland Green Phase-I, Tower-5, flat -7A1, New Bata Road-1, Maheshtala, Batanagar, Kolkata-700140.

Let a copy of this Order along with copy of petition be sent to the I.O for information and necessary compliance.

Fix 13.09.2021 for production of all nine accused persons, framing of formal charge against the accused persons and I.O 's report regarding handing over the keys of the seized flat.

The Superintendent of Alipore Women Correctional Home is directed to produce all four female accused persons on the date fixed.

Let a copy of this Order be sent to the Superintendent of Alipore Women Correctional Home for information and necessary compliance.

D/c by me.

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

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After passing the above order, learned lawyer for accused Ruksana Bibi @Tuktuki files a petition praying for adjournment of further proceeding to prefer Criminal Revision Application before the Hon'ble Court, Calcutta.

Heard both sides. Considered.

I do not find any merit in the instant prayer of the accused. Hence the same is rejected.

D/c by me.

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

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