

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore

Special Case No. 499/2024

CNR: WBSPO1-016825-2024

Ref.: Haridevpur PS Case no: 767/2024 Dated : 20.12.2024

U/s 65(1) of BNS & u/Sec 6 of the Protection of Children from Sexual Offence Act, 2012.

Present : Rimpa Roy (JO Code - WB00822)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

Order No.01

Dt. 21-12-2024

The accused Sujoy Mallick (35 years) is brought under arrest and produced before this Court along with relevant documents.

One Vakalatnama has been filed. Let it be accepted and kept with the record. One bail application has also been filed on behalf of the accused. Defacto complainant is not present. As such the bail application is kept in abeyance.

I.O of this case has made prayer for P.C of this accused till 03.01.2025 for the purpose of effective investigation of the case.

He has also made prayer for recording statement of the V.G. and the complainant under section 183 of BNSS, medico-legal prayer of the accused and the VG.

Heard learned Special P.P as well as the I.O. Perused the prayers.

It is a case under sections 65(1) of BNS & u/Sec 6 of the Protection of Children from Sexual Offence Act, 2012. It appears from the PC prayer of the I.O that prayer of I.O for PC of the accused has been forwarded by superior officer. From the submission of prosecution it reveals that I.O requires PC of this accused for the purpose of verifying the statement of the accused and conducting his medico-legal examination for the purpose of investigation of the case. So, for the purpose of investigation the prayer of PC requires to be allowed and the other prayers of the I.O are also considered and allowed.

Accused Sujoy Mallick is remanded to police custody till **24.12.2024**. I.O is further directed to observe the guidelines of the Human Right Commission and direction of the Hon'ble Supreme Court regarding police custody of the said accused person. I.O is also directed to take all necessary steps for medical check-up of the accused at the regular intervals and not to make any kind of torture during P.C period.

Learned A.C.J.M, Alipore is requested to record the statement of the **victim girl and the complainant** u/s 183 BNSS Cr.P.C. either personally or by deputing any other Magistrate within 48 hours following the procedure as laid down in section 25 and 26 of the POCSSO Act, 2012 and to forward the same to this Court without undue delay. In view of the direction of the Hon'ble High Court, Calcutta vide

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Judgment dated 16.12.2021 delivered by the Hon'ble Justice Bibek Chawdhuri in **CRA 517 of 2017** (Prabir Bhuian Alias Prabir Bhuinyan Vs The State of West Bengal) the learned Magistrate is also requested to take care and to take necessary steps so that the identity of the victim girl is not disclosed during recording of the statement of the victim girl. The I.O. of this case is directed to produce the victim girl and the complainant before the Ld. Magistrate for recording their statement.

The A.C.M.O.H (medico-legal), Alipore is requested to conduct the medico-legal examination upon the accused and send the report as early as possible.

The Professor & Head of Department of Forensic Science and State Medicine, SSKM Hospital, Kolkata is requested to conduct the medico-legal examination upon the victim girl and send the report as early as possible.

The I.O is also directed to produce accused person and the victim girl to the concerned hospitals on the scheduled date.

To **24-12-2024** for production of the accused from police custody, hearing of bail application and I.O's report.

IO is directed to produce the CD and secure the presence of the defacto complainant in Court on the next date fixed.

Return CD.

D/c by me.
Sd/-

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

Sd/-

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