

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No. 313/2022

CNR: WBSP01-017814-2022

Ref.: Thakurpukur PS Case no: 318/2022 Dated: 27.11.2022
U/s 506 I.P.C & U/s- 4/6/8/12 of the Protection of Children from Sexual Offence
Act, 2012.

Present: Manas Ranjan Sanyal, Judge(JO code: WB666),
Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

StateVs..... Surajit Bhattacharjee

Order No.07

Dt. 05.12.2022

Accused Surajit Bhattacharjee is produced from J.C through VCS.

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

The I.O of this case has made prayer for recording statement of the victim girl u/s 164 of Cr.P.C at Advance Neuro Psychiatry Institute, Joka, Kolkata as the victim girl is undergoing treatment at the said hospital and she is not in a position to move anywhere.

Heard the learned Special P.P. Perused the prayer of the I.O.

The prayer of the I.O is considered and allowed for interest of investigation.

The identity of the minor victim girl is required to be kept confidential as per provisions of **sec 33 (07) of Protection of Children from Sexual Offences Act, 2012** as well as **under the direction of the Hon'ble Supreme Court in Nipun Saxena Vs Union of India** and the **direction of the Hon'ble High Court, Calcutta in Bijoy @Guddu Das Vs The State of West Bengal** and also in **Prabir Bhuian Alias Prabir Bhuinyan Vs The State of West Bengal.**

Accordingly, the I.O is directed to take care and take necessary steps so that the identity of the victim girl is not disclosed during the investigation of this case.

Learned A.C.J.M., Alipore is requested to appoint one learned Judicial Magistrate for recording the statement of the victim girl u/s- 164 Cr.P.C at Advance Neuro Psychiatry Institute, Joka, Kolkata within 48 hours following the procedure as laid down in section 25 and 26 of the POCSO 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 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**

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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 make necessary vehicle and logistic arrangements for recording the statement of the victim girl by the learned Magistrate at the said hospital.

The Manager, Advance Neuro Psychiatry Institute, Joka, Kolkata is directed to make necessary arrangement and cooperate with the I.O for recording the statement of the victim girl u/s 164 Cr.P.C and he is also directed not to discharge the victim girl until her statement is recorded and further order of this Court.

Supply a copy of the statement to the I.O as and when the same is received.

Inform the learned Additional Chief Judicial Magistrate by sending a copy of this Order along with photocopy of written complaint and formal F.I.R.

Let the bail petition of the accused is kept with the case record.

To 13.12.2022 for production of accused, I.O's report and awaiting statement of the victim girl.

D/c by me.

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

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