

Special ST - 11(01)2023
Special Case No.313/2022
CNR -WBSP01-017814-2022

Present :Manas Ranjan Sanyal (JO Code - WB00666)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

1
16.01.2023

Accused **Surajit Bhattacharjee** is produced from J.C through V.C.S.

Today is fixed for consideration of charge.

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

Learned Defence Counsel is also present.

Learned Special P.P-in-charge opens the case by describing the charges to be framed against the accused person.

Perused the materials on record and C.D.

On perusal of the same, I find sufficient materials against the accused person namely Surajit Bhattacharjee under section 376(3)/506 of I.P.C and Sec 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

Charge is framed accordingly against the accused person namely Surajit Bhattacharjee under section 376(3)/506 of I.P.C and Sec 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 on separate sheet of paper and the same is kept with the case record. The contents of the charges is read over and explained to the accused person in Bengali to which he pleaded not guilty and claimed to be tried.

The identities of the victim girl is required to be kept confidential as per provisions of **Sec 33 (07) of POCSO 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**. So to prevent the disclosure of the identification of the said victim girl, her name and address are not mentioned in the above said charge form.

Contd....

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Contd...Order No.01 dated 16.01.2023

Fix 03.02.2023 for evidence of the victim girl.

At this stage a bail petition has been filed on behalf of the accused.

Heard both sides.

Learned advocate for the accused submits that accused is in custody since long time. He is innocent and has been implicated in this case falsely. Charge sheet has already been submitted. Charge is also framed. So, the accused may be granted bail on any condition.

Ld. Special P.P raises objection.

Perused the CD specially statement of VG recorded u/s 164 of Cr.P.C and the medical examination report.

It appears from materials on record that allegation against the accused is very serious and the age of the victim girl is only 13 years. So without examination of the victim girl it will not be proper to grant bail to this accused. Accordingly, bail prayer of accused Surajit Bhattacharjee is rejected.

Received the medical report along with intimation letter from the Superintendent of Presidency Correctional Home, Alipore, Kolkata-27 regarding health condition of accused Surajit Bhattacharjee. Let the same be kept with the case record.

The Superintendent, Presidency Correctional Home is directed to provide necessary medical aid to this accused and submit report to this Court regarding the health condition of this accused.

To date i.e.03.02.2023 for production of accused and evidence of the VG.

I.O is directed to bring the victim girl on the date fixed positively.

Issue summon accordingly.

D/C by me
Sd/-Manas Ranjan Sanyal
A.S.J 2nd Court, Alipore
South 24 Pgs

Sd/-Manas Ranjan Sanyal
Addl. Session Judge
2nd Court Alipore
South 24 Pgs