

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

Special Case No.333/2022

CNR – WBSP01-019276-2022

Ref.: Patuli PS Case no: 272/2022 Dated : 20.12.2022

U/s 120B/366A/370/372/373 of I.P.C and section 17/21 of the Protection of Children from Sexual Offence Act, 2012 and section 3/4/5/6/7 of I.T (P) Act.

Present :Manas Ranjan Sanyal (JO Code - WB00666)

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

Alipore, South 24-Parganas.

State Vs. Archana Debnath & Ors

Order No.01

Dt.21.12.2022

Received the written FIR, formal FIR, Inspection Memo, Memo of arrest, check list, seizure lists dated 20.12.2022, Rescue Memo, xerox copy of medical report of accused alongwith forwarding report and other documents.

Register the same as Special Case No.333/2022 u/s 120B/366A/370/372/373 of I.P.C and section 17/21 of the Protection of Children from Sexual Offence Act, 2012 and section 3/4/5/6/7 of I.T (P) Act.

Accused **Archana Debnath @ Payel Ghosh** and **Chandana Dhar @ Sona** are brought under arrest. They are taken into judicial custody.

A bail petition has been filed on behalf of the accused persons along with fresh vokaltnamas.

On prayer of learned Defence lawyer bail prayer of accused persons is kept with the case record.

I.O has made prayer for police custody of both the accused till 02.01.2023. He has also made for recording statement of the three victim girls u/s 164 Cr.P.C and their medico-legal examinations.

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

Prayers of the I.O are considered and allowed for the purpose of investigation.

Accused Archana Debnath @ Payel Ghosh and Chandana Dhar @ Sona are also remanded to police custody till 02.01.2023. 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 female accused persons. I.O is also directed to take all necessary steps for medical check-up of the female accused at the regular intervals and not to make any kind of torture during P.C period. At the time of interrogation I.O is directed to interrogate the female accused persons in presence of lady officer and do not interrogate them after sunset.

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

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Learned A.C.J.M, Alipore is requested to record the statements of three victim girls u/s 164 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 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 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 take further instruction from the learned Magistrate regarding the production of three victim girls for recording their statements.

Supply a copy of the statements 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.

The Professor & Head of Department of Forensic Science and State Medicine, Medical College & Hospital, Kolkata is requested to make necessary arrangement for medical examination of three victim girls by a woman doctor and send the report before this Court as soon as possible. The examination shall be done following the procedure laid down by section 164A of the Criminal Procedure Code, 1973 (2 of 1974) and section 27 of the POCSO Act, 2012. The examination of the girls should be done in presence of parents of the child or any other person in whom the child reposes trust or confidence. If for any reason, the parents or the person in whom the child has confidence cannot be present in that event, medical examination shall be conducted in presence of a woman nominated by the Head of the Medical Institution.

The I.O is also directed to produce victim girls to concerned hospital on the schedule date.

Let the seizure lists dated 20.12.2022 be kept with the case record. I.O is permitted to retain the seized articles in accordance with law.

To 02.01.2023 for production of accused from PC and I.O's report.

D/c by me.

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

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