

**Special case No. 05 of 2023**

**(CIS- 05/2023)**

Present: Sri Anirban Das (WB00691)

1<sup>st</sup> Addl. Sessions.Judge,Sealdah

**Order No. 15 Dated: 18.05.2023**

The accused Sadia Aziz and Noain Ghani are produced from JC.

Ld. Advocate for the accused Noain Ghani by filing a petition submits that the statements of CSW Nos. 2, 4, 5, 10, 11, 12, 13, 14 and 15 were not supplied to him.

The IO is present and she submits that she did not record any statement of CSW No. 2 as the said person is of the in charge of Shelter Home where the victim was kept for safe custody but the IO submits that she has with her the statements of other CSWs as recorded by her and she submits that she will hand over the copy of the same to the Ld. Advocate for the accused.

Regarding statements of CSW Nos. 16, 17, 19, 20 and 21 the IO submits that they are all official witnesses and their statements were not recorded separately.

Ld. Advocate for the said accused submits that some documents as mentioned in the Para No. 4 of his petition were illegible.

The IO is directed to hand over the proper legible copy of those documents to the Ld. Advocate for the said accused.

The said petition filed on behalf of the accused Noain Ghani is hereby disposed of accordingly.

Bail petition filed for the two accused persons Sadia Aziz and Noain Ghani.

My attention was drawn to the part of the statement of the victim recorded U/s 164 Cr.P.C dated 11.01.2023.

I have carefully perused the said statement as well as the subsequent statement of the victim recorded U/s 164 Cr.P.C.

Considering the said statements, the specific role of those accused persons behind the trafficking of child came out.

It was submitted by the Ld. Advocate for the accused person Sadia Aziz that the Hon'ble High Court has been pleased to hold that this accused had no role to play in the instant case and as such, she may be released on bail.

In support of his contention, the order passed by the Hon'ble Court in WPA 4520 of 2022 dated 21.08.2022 was placed before me.

It appears from the case record that as per the order of the Hon'ble Court in the same case dated 06.06.2022 the investigation of the case was handed over to the CID.

The order dated 31.08.2022 shows that Hon'ble Court held the following:- “ \*\*\*\*\* The involvement of the respondent no. 6 has not been decided in this writ petition and the allegations against the said respondent has not been considered. The child has been recovered from another place and from the custody of another person \*\*\*\*\* ”.

On careful scrutiny of the said order of the Hon'ble Court, it seems to me that Hon'ble Court did not decide involvement of the said respondent no. 6 or the allegation against the said respondent no. 6 was not considered but Hon'ble Court did not give clean chit to the respondent no. 6. From the CD it appears that in course of investigation several materials were procured by the IO which shows the prima facie involvment of this accused in the incident of trafficking.

Considering all and keeping in mind the gravity of the offence, I am not at all inclined to release the accused persons on bail. Accordingly, the bail prayer of both the accused persons stands rejected.

The IO made a prayer that in spite of her effort, she could not execute the WA issued against the Suja Nuser Gani, Amina Parveen and Sadia Afsa.

The IO is directed to furnish a fresh report regarding the execution of he WA and WPA by the next date positively.

To **01.06.2023** for production of the accused persons and report of the IO and further order.

Return CD.

Dictd & Corttd by me

1<sup>st</sup> A.S.J.,Sealdah

(Anirban Das) WB0691  
Addl. Sessions Judge,  
1<sup>st</sup> Court, Sealdah