

Special Trial No. 05 (09) of 2023
(CIS- 05/2023)

Present: Sri Anirban Das (WB00691)
1st Addl. Sessions.Judge,Sealdah

Order No. 10 Dated: 31.01.2024

The accused Sadia Aziz and Noain Ghani, Suja Nuser Ghani and Sadia Afsa are produced from JC through VC.

The accused Amina Parveen, who is on bail, is present.

The Ld. Advocate for the accused Noain Ghani completed the cross examination of the victim.

The Ld. Advocate for the accused Suja Nuser Ghani started cross examination of the victim and as the cross examination continued for a long time the victim requested me to give her relief for the day and accordingly, the cross-examination of the victim for the accused Suja Nuser Ghani is deferred till **29.02.2024**.

The victim (PW1) will be cross examined further on 29.02.2024 and the same will start from 2.30 pm.

The accused persons, who are in custody, will be produced from the Correctional Home through VC and the accused who is on bail will remain as usual.

The copy of the evidence is supplied to ld. Advocate for the accused persons as per the Criminal Rules and Orders.

Bail petition, as filed for the accused Sadia Aziz is kept with the record on the prayer of the Ld. Counsel for the said accused as it was the submission that the said petition be heard on completion of cross examination of the PW-1.

At the time of cross-examination of the victim by the accused Suja Nuser Ghani two specific questions were put to the PW-1 (victim) through this court. The said questions were as follows:-

1. What is the time showing in the wall clock of this court?
2. Is it true that nearby 20 persons are now present in the court room today?

It is fact that as there is no child friendly atmosphere in this court to examine the victim by placing her in a comfort zone, the victim is examined by placing her seat on the Ejlash beside the chair

of the PO. This procedure was adopted only to give the victim proper confidence.

In the instant case the victim gave her reply to me in a very low voice within the audience of this court only and the said version was dictated loudly by me.

The victim gave all the replies by turning her face towards me only and she specifically requested me that she is in very uncomfortable situation and she does not want to look at any one present before this court and she had requested me with folded hands not to ask her to show her face to the persons present in the court room.

I have considered the request of the victim. I do not want to place her in another trauma and it is the intention of the court to give her confidence to tackle the cross-examination from the side of the accused persons.

I think that being the court it is my bounden duty to give proper protection and shelter to the victim when there is no child friendly atmosphere in this court.

Accordingly, I could not entertain the questions placed by the Ld. Advocate for the accused Suja Nuser Ghani and accordingly, the petition filed in this regard stands disposed of

The Ld. Counsels are humbly requested by this court to put such question to the victim which may not put her in another traumatic situation and we must confine ourselves to the specific intention of legislature behind incorporation of the provision of POCSO Act.

To date (29.02.2024) for further cross-examination of the victim (PW-1)

Dictd & Corttd by me

1st A.S.J.,Sealdah

(Anirban Das) WB0691
Addl. Sessions Judge,
1st Court, Sealdah