

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

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

Order No. 41 Dated: 15.01.2026

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

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

Ld. Advocates for all the accused persons are present.

Ld. Special PP is present.

The PW-9 is cross examined in full and discharged.

The Ld. Advocate for the accused person, by filing a petition, submits that Exbt. P-7(9), P-8(9), P-9(9) and P-10(9) were not supplied to the accused persons as they relied upon documents when the copies of CS were supplied.

It is a fact that this PW-9 was not the witness as per the CS and prosecution was allowed to examine this witness U/s 311 Cr.PC vide order no. 36 dated 28.07.2025.

Obviously, it was the duty of the prosecution to serve the copies of the documents to the accused on or after 28.07.2025 but the same was not done.

At the same time, the documents were very much relevant to reach to the exact conclusion of the case and as such, the petition filed for the accused Suja Nuser Ghani carries no weight but no relief was sought for by filing the said petition, let it be kept with the record.

The IO of this case Rupali Santra is examined in part and discharged as PW-10 and her examination in chief is deferred on the prayer of the Special PP.

As per the direction of the Hon'ble High Court, Calcutta as passed in CRM (M) 2272 of 2025, the evidence of PW must be completed by 31.01.2026.

Ld. Special PP submits that this PW-10 is the last witness from the prosecution tent.

Accordingly, fix **21.02.2026** for further evidence of PW-10.

Bail petition was filed for the accused Noain Ghani.

Heard Ld. Advocate for the accused and Ld. Special PP and the Ld. Counsel for the victim.

It was submitted by the Ld. Special PP that this accused also filed another bail petition before the Hon'ble High Court Calcutta vide CRM (DB) 2773 of 2025.

This fact was suppressed during hearing.

At this stage, Ld. Advocate for the accused Noain Ghani not pressed the said bail petition and accordingly, the bail petition stands rejected being not pressed.

Another petition is filed for the accused Sadia Azis praying for recalling of PW-1 (victim) for further cross examination on the ground that on 08.01.2024, 30.01.2024, 31.01.2024, 29.02.2024 and 20.03.2024 when the accused was produced through VC, she could not hear the cross examination of the victim due to some technical glitch and as it is the right of the accused to hear the evidence clearly, the provision of section 273 Cr.P.C was violated.

Ld. Special PP raised strong objection on the ground that as per provision of section 33(5) of POCSO Act, a victim should not be called repeatedly to testify as witness.

From the case record it appears that in this case charge was framed on 21.09.2023 and the victim girl was first examined on 11.12.2023 and her cross examination was completed on 20.03.2024.

It appears from the record that the cross examination of the victim could not be completed on a day due to problem faced by the victim during her long cross examination and as such, as per provision of section 33(3) of POCSO Act frequent breaks were provided in course of trial and the same was reflected in the relevant order sheets.

It appears from the order dated 11.12.2023 that this accused Sadia Aziz was physically produced from JC and on subsequent date (12.12.2023) she was also produced physically from JC.

The said victim was cross examined by the Ld. Advocate for the accused Sadia Aziz on 08.01.2024 and 30.01.2024.

It is fact that the accused persons were produced from JC through VC on and from 19.12.2023.

Therefore, it is clear that during the examination in chief of the victim dated 11.12.2023, 12.12.2023 this particular accused person (Sadiah Aziz) was present physically and obviously, as per the provision of section 273 Cr.P.C the examination in chief was done in her presence.

When the victim was cross examined by the Ld. Advocate for the said accused on 08.01.2024 and 30.01.2024, no petition was filed or there was no allegation that the said accused could not hear the cross examination clearly.

It also appears that the Ld. Counsel for other accused persons never alleged that the other accused persons could not hear the evidence clearly when they were produced through VC.

Therefore, it is very much clear that the allegation ventilated in the petition are baseless and this petition was filed with the intention to drag the trial when the Hon'ble Court has been pleased to fix a calender for conclusion of the trial.

Under the circumstances, I am not at all inclined to allow the said petition and the same stands rejected.

To 21.02.2026 for further examination of PW-10.

Dictd & Corttd by me

1st A.S.J., Sealdah

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