

**Special Trial No. 01 (03)2024**  
**Special Case No. 40 of 2023**  
**Sealdah GRPS Case No. 63 dated 29.07.2023**  
**(CIS-41/2023)**

**Order No. 15 dated 06.03.2024:**

The accused persons Gour Pramanik and Gunasindhu Pramanik are produced from JC.

Today is fixed for passing order on the petition under Sec. 227 Cr.P.C. filed by the accused Gour Pramanik.

The instant case was initiated on the basis of a complaint of father of the victim dated 24.07.2023. It was the allegation that on 03.07.2023 the daughter of the complainant left his place to visit the house of her elder uncle but did not come back and ultimately the said minor daughter was recovered on 24.07.2023 at 06.00 am from a place under Usthi PS.

From the content of the said complaint as well as the statement of the victim recorded U/s 164 Cr.P.C it appears that while she was coming back from her elder uncle's place. She met the accused Gunasindhu Pramanik at Sealdah station and he allured her by making a drama of love and took her to Diamond Harbour and to Kukrahati and from there the said victim was taken to a hotel and there she was engaged in prostitution.

It was alleged by the victim that the accused Gunasindhu Pramanik used to send different places at the room of the victim in lieu of money and that all these were very much within the knowledge of the father of the victim Gour Pramanik.

It appears from the CD that ultimately charge sheet was submitted against both the accused person for offence under section 363/365/370/370A(2)/34 IPC, section 6 of POCSO Act and section 5 of Immoral Trafficking Prevention Act 1956.

I have carefully perused the CD and the other material on record.

Considering all, I do not find any prima facie case to frame charge against the accused Gour Pramanik and the said accused is hereby discharged from this case and he be released from custody at once.

At the same time, the materials on record shows that prima facie case under section 366A/370/370A(1) IPC and section 4 read with section 17 of POCSO Act is made out against the accused Gunasindhu Pramanik.

The material on record and the CD do not lead me to hold that at present there is any prima facie material to frame charge for offence under section 5 of Immoral Trafficking Prevention Act 1956.

Accordingly, charge is framed against the accused Gunasindhi Pramanik for offence under section 366A/370/370A(1) IPC and section 4 read with section 17 of POCSO Act.

Contents of charge is read over and explained to the accused person and he pleaded not guilty and claimed to be tried.

Fix **15.04.2024** for evidence of victim.

Issue summons accordingly.

In view of the direction of Hon'ble Supreme Court reported in **(2002) 1 SCC 655** I.O must be present on all days of the trial and to ensure the presence of the witnesses according to schedule. O/C of the concerned P.S must ensure the presence of the witnesses before this court in time and the alamat should be produced in court by the officer-in-charge of Sealdah GRP.S and Special PP is also requested to instruct the O.C of the concerned P.S accordingly.

Let a copy of this be sent to the OC, Sealdah GRPS for giving direction to the IO of this case for regular attendance of the witnesses.

Return CD.

D/C by me

ASJ, 1<sup>st</sup> Court, Sealdah

(Anirban Das)/WB0691  
Addl. Sessions Judge, 1<sup>st</sup> Court,  
Sealdah, 24-Pgs.(S).