

Special case No. 40 of 2023 (R 41 of 2023)

Order no. 10 dated 19.12.2023.

The accused persons Gour Pramanick and Gunasindhu Pramanick are produced from JC. Ld. Special PP is present.

A petition was filed by the accused with a prayer for sending the victim to proper forum for determination of her correct age.

It was their version that the victim was about 19 years of age at the time of the alleged incident.

In support of their contention, a decision of the Hon'ble High Court, Bombay as passed in Criminal Writ Petition No. 3002 of 2022 was placed.

I have carefully perused the said decision. In the said case the Hon'ble Court held that Aadhar card may not be used as a proof of date of birth.

On the basis of the said solemn decision of the Hon'ble Court, the Ld. Advocate for the accused person submitted that as this case was proceeded on the basis of the age noted in the Aadhar card, the same can not be accepted.

I have perused the other materials collected by the IO vis a vis the medical examination report.

I do not find any ground to accept this submission of the Ld. Advocate for the accused. The accused person will get the opportunity to raise the point in course of the trial of this case.

Accordingly, the said petition is considered and rejected at this stage.

Bail petition filed for the said accused person Gour Pramanick.

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

Perused the materials on record.

As per the allegation of the victim she was forced for prostitution and and the specific role of the accused also came out from the documents collected by the IO as well as the statement of the victim recorded U/s 164 Cr.P.C, considering the same, I am not at all inclined to release the accused person on bail and the prayer stands rejected.

From the report of Sealdah GRPS regarding the execution of WPA issued against Sk Rajib, it appears that there is no scope of immediate execution of the said WPA. Accordingly, the case against the accused Sk. Rajib be filed for the present.

So, at present the accused persons Gour Pramanick and Gunasindhu Pramanick will face the trial

Fix **18.01.2024** for production and consideration of charge.

This date was fixed on the prayer of the Ld. Defence counsel due to his personal inability.

D/C by me

ASJ, 1st Court, Sealdah

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