

POCSO Case No. 33 of 2022
Sessions Trial No.15(9)/2022
CNR WBUD01-001930-2022
J.O. Code WB00149

Order No.02

Dated: 09.01.2023

Today is fixed for production and evidence of CSW Nos. 1 & 2.

Sole accused person Raghunath Roy is produced from J.C.

Ld. Spl PP files the hajira of the victim girl and Bani Paul i.e., CSW 2 & 1 respectively.

On behalf of the accused Ld. Lawyer files a petition seeking relief u/s 231(2) of Cr.P.C in respect of CSW 1,2, 3, 4, 5, 7, 8 and 9.

Ld Spl PP raised vehement objection against the prayer.

A fresh Vakalatnama is filed on behalf of defence.

In view of direction of Hon'ble High court in CRM (DV) 2220/2022 *vide* Order dt 23.08.2022 and also in view of provision U/s 33(5) of POCSO Act no adjournment is to be given for recording examination of the VG. Accordingly, the petition u/s 231(2) of Cr.P.C for adjournment of the cross-examination is hereby considered and rejected.

The victim girl is examined in full in my chamber and discharged.

CSW-1 Bani Paul cannot be examined due to lack of judicial hour and is discharged without examination.

The defence petition u/s 231(2) of Cr.P.C is allowed in respect of CSW 1 & CSW 3, parents of the victim girl only.

Bail petition is filed on behalf of above named accused. Copy served.

Ld Lawyer for the above named accused moves the bail petition on grounds that he is languishing in jail custody since 02.07.2022 and that trial has started with complete examination of PW-1. On above plea he prays for bail on any condition as the court thinks fit and proper.

Ld. Spl P.P has raised objection and submitted that in view of evidence of PW-1 the accused should be kept behind the prison bar.

Heard both sides.

Perused the evidence of PW-1(victim girl). In view of the evidence of PW-1(victim girl), I do not feel inclined to admit him on bail. Hence bail petition is considered but rejected.

Ld. Defence lawyer has also filed a petition for supply of copies of statement u/s 161 of Cr.P.C of CSW-8, 9, 10 & 11 and also the copy of medical report. His prayer is considered and allowed and Ld. Spl P.P has consented to supply the copy to the accused in the open court room.

To **13.04.2023** for production and evidence of CSW- 1 & 3.

D/c by me

Judge, Special Court, (POCSO),
Raiganj, Uttar Dinajpur

Judge, Special Court, (POCSO),
Raiganj, Uttar Dinajpur