

POCSO- 53/15
S.T. 13 (08)/18

CHARGES WITH FOUR HEADS
[No. XXVIII (II), SCHEDULE V, ACT V, 1898]
(Sections, 221, 222, 223, Code of Criminal Procedure)

I, Salim Shahi
Additional Sessions Judge, 2nd Court, Raiganj

Hereby charge you Jahangir Alam

As follows—

Firstly--- that you, on 26.12.2013 kidnapped Rupali Bala aged about 15 years of Natun Haat PS Chopra with support of other accused persons from the lawful guardianship of her parents and kept shifting VG to unknown place and thereby you committed an offence punishable under section 363 of the Indian Penal Code within my cognizance.

Secondly--- that you, on 26.12.2013 kidnapped Rupali Bala aged about 15 years of Natun Haat PS Chopra with support of other accused persons from the lawful guardianship of her parents and kept shifting VG to unknown place and continued to rape her on the promise of marriage which resulted into pregnancy of 22 weeks on 07.06.2014 and thereby you committed an offence punishable under section 376 (2) (i) of the Indian Penal Code within my cognizance.

Thirdly--- that you, on 26.12.2013 kidnapped Rupali Bala aged about 15 years of Natun Haat PS Chopra with support of other accused persons from the lawful guardianship of her parents and kept shifting VG to unknown place and continued to rape her on the promise of marriage which resulted into pregnancy of 22 weeks on 07.06.2014 and thereby you committed an offence punishable under section 368 of the Indian Penal Code within my cognizance.

Fourthly--- that you, on 26.12.2013 kidnapped Rupali Bala aged about 15 years of Natun Haat PS Chopra with support of other accused persons from the lawful guardianship of her parents and kept shifting VG to unknown place and continued to commit aggravated penetrative sexual assault upon her on the promise of marriage which resulted into pregnancy of 22 weeks on 07.06.2014 and thereby you committed an offence of trafficking punishable under section 06 of the POCSO Act. within my cognizance.

And I hereby direct that you be tried u/s 363/376(2) (i)/ 368 IPC and u/s 6 of POCSO Act by the this Court on the said charges.

The Charges so framed was read over and explained to accused person in Bengali and he was asked whether he will plead guilty or not to which he pleaded not guilty by saying 'nirdosh' and claimed for trial.

Dated this 31st day of August 2018

Dictated and Corrected
by me

Additional Sessions Judge, 2nd Court.

*Additional Sessions Judge, 2nd Court,
Raiganj.*

POCSO- 53/15
S.T. 13 (08)/18
CHARGES WITH SIX HEADS
[No. XXVIII (II), SCHEDULE V, ACT V, 1898]
(Sections, 221, 222, 223, Code of Criminal Procedure)

I, Salim Shahi
Additional Sessions Judge, 2nd Court, Raiganj

Hereby charge you 1. Jiarul Rahaman, 2. Sirajul Rahaman @ Sirjul Islam, 3. Sadek Ali, 4. Faruque Alam, 5. Rasimuddin, 6. Faijul, 7. Sahin Akhtar.

As follows—

Firstly--- that Jahangir Alam, on 26.12.2013 kidnapped Rupali Bala aged about 15 years of Natun Haat PS Chopra in furtherance of common intention of all of you from the lawful guardianship of her parents and kept shifting VG to unknown place and thereby you committed an offence punishable under section 363/34 of the Indian Penal Code within my cognizance.

Secondly--- that Jahangir Alam, on 26.12.2013 kidnapped Rupali Bala aged about 15 years of Natun Haat PS Chopra in furtherance of common intention of all of you from the lawful guardianship of her parents knowingly that VG may be seduced to illicit intercourse with Jahangir Alam who kept shifting VG to unknown place and thereby you committed an offence punishable under section 366A/34 of the Indian Penal Code within my cognizance.

Thirdly--- that Jahangir Alam, on 26.12.2013 kidnapped Rupali Bala aged about 15 years of Natun Haat PS Chopra in furtherance of common intention of all of you from the lawful guardianship of her parents knowingly that VG may be seduced to illicit intercourse with Jahangir Alam who kept shifting VG to unknown place and on 30.12.2013 all of you extended threat to defacto complainant to kill him, if the case is not withdrawn and thereby you committed an offence punishable under section 506/34 of the Indian Penal Code within my cognizance.

Fourthly--- that Jahangir Alam, on 26.12.2013 kidnapped Rupali Bala aged about 15 years of Natun Haat PS Chopra in furtherance of common intention of all of you from the lawful guardianship of her parents and all of you told that VG was five months less than 18 years and conspired to confine her to unknown place and thereby you committed an offence punishable under section 368/34 of Indian Penal Code within my cognizance.

Fifthly--- that Jahangir Alam, on 26.12.2013 kidnapped Rupali Bala aged about 15 years of Natun Haat PS Chopra in furtherance of common intention of all of you from the lawful guardianship of her parents and all of you told that VG was five months less than 18 years and conspired to confine her to unknown place and intentionally aided principal accused Jahangir Alam and thereby you committed an offence punishable under section 17 of POCSO Act. within my cognizance.

Sixthly--- that Jahangir Alam, on 26.12.2013 kidnapped Rupali Bala aged about 15 years of Natun Haat PS Chopra in furtherance of common intention of all of you from the lawful guardianship of her parents and all of you told that VG was five months less than 18 years and conspired to confine her to unknown place and intentionally aided principal accused Jahangir Alam and not reported the incident and thereby you committed an offence punishable under section 21 of POCSO Act. within my cognizance.

And I hereby direct that you be tried u/s 363/366A/368/506/34 IPC and u/s 17/21 of POCSO Act by the this Court on the said charges.

The Charges so framed was read over and explained to accused persons in Bengali and they were asked whether they will plead guilty or not to which they pleaded not guilty by saying 'nirdosh' and claimed for trial.

Dated this 31st day of August 2018

Dictated and Corrected
by me

Additional Sessions Judge, 2nd Court.

*Additional Sessions Judge, 2nd Court,
Raiganj.*

POCSO- 53/15
S.T. 13 (08)/18

01/31.08.18

This day is fixed for consideration of charge .

Accd. 1.Jahangir Alam, 2. Jiarul Rahaman, 3. Sirajul Rahaman @ Sirjul Islam, 4. Sadek Ali, 5. Faruque Alam, 6. Rasimuddin, 7. Faijul, 8. Sahin Akhtar on C/B are present by filing hazirah.

No Spl. P.P is present. POCSO cases are unrepresented. Since 2014 after enactment of POCSO Act.2012, there has been no separate Spl.PP.

The new panel under notification No. 136-JL-Kolkata dated 12.06.2018 is not working. The precious time of Court is wasted since 04.08.2018 and witnesses are harassed who appear before this Court but due to absence of Spl.PP, no evidence is recorded.

Ld. Defence Counsel is present. Even absence of Spl.PP charge can be framed.

Perused the case diary and materials on record. Prima facie charge u/s 363/376(2) (i)/ 368 IPC and u/s 6 of POCSO Act is made out against Jahangir Alam .

Prima facie charge u/s 363/366A/368/506/34 IPC and u/s 17/21 of POCSO Act is made out against Jiarul Rahaman, Sirajul Rahaman @ Sirjul Islam, Sadek Ali, Faruque Alam, Rasimuddin, Faijul, Sahin Akhtar.

Formal charge so framed was read over and explained to accd persons in Bengali and they were asked whether they will plead guilty or not to which they abjured their guilt by saying "nirdosh" and claimed for trial.

Fixing **18-09-18** for evidence of CSW-1 Swapan Bala and VG Rupali Bala.

Fixing **19-09-18** for evidence of CSW-3 Nikhil Mondal, CSW-4 Gobinda Bhowmik.

Fixing **20-09-18** for evidence of CSW-5 Kanchan Roy and CSW-6 Subodh Sarkar.

Summons be issued accordingly. Prosecution is directed to produce witnesses on the date fixed.

I.O. is directed to be present on the date of trial.

Copy of the order be sent to the I/C PS Chopra for ensuring presence of witnesses.

Let a copy of this order be sent to **SP, Uttar Dinajpur** to see the plight of POCSO cases where there is no Spl.PP to conduct the cases.

Let a copy of this order be sent to **DM, Uttar Dinajpur** to see the plight of POCSO cases where there is no Spl.PP to conduct the cases.

To 18/09/18 for appearance of accused persons and evidence.

Dictated and Corrected
by me

Additional Sessions Judge,2nd Court.
Raiganj, Uttar Dinajpur,

Additional Sessions Judge,2nd Court,
Raiganj, Uttar Dinajpur.

