

Order No.11

Dated: 07.08.2019

Out of 8 (eight) accused persons on C/B the accused Jahangir Alam is present by filing hazira and rest accused persons namely Jaidul Rahaman, Sirajul @ Sirajul Islam, Saden Ali, Faruk Alam, Resimuddin and Faizul are absent and are represented u/s 317 Cr.P.C. **Ld. Spl.PP Smt. Prakriti Sarkar** is absent without step.

I have received the order of Hon'ble High Court, Calcutta, passed in connection with this case in CRR No.3077 of 2018. In view of the order the revisional application was dismissed with a direction to this Court to conclude the trial as expeditiously as possible without granting any unnecessary adjournment to the parties.

I draw the attention of Ld. District Magistrate, Uttar Dinajpur, in this regard that by the notification in Official Gazette, the Government of West Bengal, Judicial Department, four Special Public Prosecutors were appointed at Raiganj Sadar, Uttar Dinajpur. Apart from Sri Subhasish Paul others are not working. Since my joining on 17.01.2019, two Special Public Prosecutors were working in this Court. They are Sri Subhasish Paul and Smt. Prakriti Sarkar. For more or less for last 25 days Smt. Prakriti Sarkar is not taking any step in any case including the cases where the accused persons are in custody. In this particular case there is a direction of Hon'ble High Court, Calcutta, to conclude the case as expeditiously as possible without granting any unnecessary adjournments to the parties.

Again, I draw the attention of Ld. District Magistrate, Uttar Dinajpur in this regard with a request to take appropriate step in respect of the CDs which were allotted to Ld. Spl.PP Smt. Prakriti Sarkar keeping in mind that her intention cannot be accepted and the litigants cannot suffer for her whimsical activities.

I have mentioned earlier in different cases in different orders the copy of which was sent to Ld. District Magistrate, Uttar Dinajpur, that the conduct of Ld. Spl.PP is really unfortunate and cannot be appreciated at all in any situation. She is totally reluctant to deal with the cases despite requesting her repeatedly to conduct the cases appropriately specially when the accused persons are in custody. This Court on several occasions reminded her to deal with the offences against children very cautiously but she does not bother to obey the order of this Court.

In this particular case, there is a direction of Hon'ble High Court , Calcutta. As the CD is not here and as Ld. Spl.PP Smt. Sarkar did not take any step to place the CD before this Court, I am unable to take the evidences of the witnesses or to take any step to procure the attendance of witnesses before this Court for expeditious trial.

I intend to draw the attention of Ld. District Magistrate, Uttar Dinajpur, about the pathetic situation of this Special Court (POCSO) and the conduct of Ld. Spl.PP, Smt. Prakriti Sarkar.

Fixing **17.09.2019** for appearance and reply from Ld. District Magistrate, Uttar Dinajpur.

Let a copy of this order be sent to Ld. District Magistrate, Uttar Dinajpur at once with a request to look into this matter personally regarding the conduct of Ld. Spl.PP Smt. Prakriti Sarkar and with a further request to make necessary arrangements so that this Court can deal with the offences relating to "the Protection of Children from Sexual Offences Act, 2012" appropriately.

Dictated & corrected
by me

Judge Special Court (POCSO)
Raiganj, Uttar Dinajpur

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Raiganj, Uttar Dinajpur