

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
2ND COURT, PASCHIM MEDINIPUR
ESPECIALLY DESIGNATED UNDER THE PROTECTION OF CHILDREN FROM SEXUAL
OFFENCES ACT, 2012**

**Present:- Smt. Tania Ghosh,
Additional Sessions Judge**

**POCSO Case No. 34/2022
R.No.35 of 2022
C.N.R. No. WBWM01-003645-2022**

Order No. 24 dated 16.01.2023.

Today is fixed for production of the accused person and evidence of victim along with interpreter and hearing of compensation petition.

The accused Sk. Anowar Ali @ Sk. Anowar Ali is produced from MCCH before the court. He is taken into custody and remanded to J.C. till date.

Both the Ld. Special P.P as well as the Ld. Defence Counsel are present.

No witness or interpreter is present.

A bail petition is filed on behalf of the accused.

Copy served.

The bail petition is taken up for hearing.

Ld. Advocate for the accused / petitioner submits that the accused person is falsely implicated in this case. He is in custody for a long period. There is no chance of absconding and hampering or tampering with the evidence. Accordingly, he prays for bail on any terms and condition.

Ld. Special P.P. raises strong objection.

Heard both sides.

On perusal of the records, it transpires that the victim girl is only 12 years old and she corroborated the prosecution case. Charge has been framed against the accused u/s 376(3) of I.P.C. and Sec. 6 of POCSO Act, 2012.

Considering the facts and circumstances as well as materials on record this Court is not inclined to release him on bail. Hence, the prayer for bail is considered and **rejected**.

To **10.04.2023** for production of accused person and evidence of victim along with interpreter.

Prosecution to take effective step.

Dictated & corrected by me,

A.S.J

Addl. Sessions Judge, 2nd Court,
Paschim Medinipur.
J.O WB 01461

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Later:

Order No. 24 dated 16.01.2023.

The compensation petition is taken up for hearing.

Ld. Special P.P is present.

The defacto complainant, namely, Saina Bibi i.e. the mother of the victim girl has filed a petition dt. 29.11.2022 praying for compensation along with a photocopy of voter card and adhar card directly before this court.

The compensation petition is taken up for consideration.

The victim girl and her mother were examined before the court.

Heard. Perused the petition, case diary and the record.

Considered.

It transpires from the case record that the mother of the victim girl Saina Bibi had lodged a written complaint with O/C Debra P.S on 24.04.2022 alleging against the sole accused. Accordingly, Debra P.S case No. 194 of 2022 dated 24.04.2022 was initiated u/s 376 (2)(1) of I.P.C and section 6 of the POCSO ACT 2012.

It transpires from the birth certificate of the victim girl that the date of birth of the victim girl is 09.05.2009. The victim girl is only 13 years old at the time of alleged incident. It transpires from the record that the victim girl was sexually assaulted by the present accused. It further transpires that the victim girl is 75% disable as per the disability certificate. She has been medically examined by the doctor and the I.O of this case has collected the medico-legal examination report. The statement u/s 164 of Cr.P.C. of the mother of the victim girl also corroborate the written complaint.

It transpires that the minor victim girl has suffered loss, irreparable injury and mental agony which cannot be compensated by any means. It appears that the minor girl is hailing from a poor family and suffered immensely both physical and mental sufferings due to the alleged incident.

Hence, in consonance with section 357 A of Cr.P.C read with Rule 7 of POCSO Rules 2012, the disabled minor victim girl aged about 13 years is entitled to interim compensation to the tune of **Rs.1,00,000/-** to meet the immediate needs of the said minor victim girl during pendency of the instant trial.

The copy of the order be forwarded to the Secretary, D.L.S.A, Paschim Medinipur along with a copy of prayer for compensation and with a recommendation for doing needful.

Dictated & corrected by me.

A.S.J

Additional District & Sessions Judge,
2nd Court, Paschim Medinipore
J.O WB 01461