

IN THE SPECIAL COURT OF PROTECTION OF CHILDREN FROM
SEXUAL OFFENCES (POCSO) RAMPURHAT, BIRBHUM
Ref. Special Case No.01/2016

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18.07.2018 The accused Babu Das on court bail is present by filing hazira.

Ld.Special PP-in-charge and Id.defence counsel are present.

A.S.I. Susanta Pathak is present as witness. He is examined as PW-08, cross-examined in full and discharged. The documents be marked as Exbt.1/2 and Exbt.6.

It appears from the record that out of 11 witnesses in this case 08 witnesses have been examined. The victim girl was not medically examined as she herself and mainly her mother did not allow the victim to be examined. So there is no requirement of examining the doctor Bidyut Baran Pan who actually could not examine the victim for not having the consent. The evidence of Id.Magistrate is also not required as the statement of the victim recorded by her u/s 164 Cr.P.C. is not challenged by the defence. The statement as a whole be marked Exbt.2/3 without any objection from the side of the defence for dispensing with the formality of proving the document by calling the Id.Magistrate. The other two doctors Hena Kausar and Safiur Rahaman have been examined in this case. Today the investigating officer who actually has done the substantial part of investigation save the filing of the charge sheet is examined.

Prosecution has got ample opportunity to bring the I.O. who filed the charge sheet as witness in this case. It is equally true that the fate of the case is not dependent on the evidence of the I.O. who has only filed the charge sheet.

Considering all above, this court is of the view that the evidence may be closed.

To 21.07.2018 for examination of the accused u/s 313 Cr.P.C.

Dictated and corrected
Sd/- Abhijit Som
Judge, Spl.Court (POCSO)

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Judge, Special Court (POCSO)
Rampurhat, Birbhum