

10-11-2020
Subrata/Rajib
item no.87
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No.8977 of 2020
Md. Sarfuddin @ Md. Sharfuddin
-vs-
The State of West Bengal

In Re: Application under section 439 CrPC in connection with Special POCSO Case No. 32 of 2017 arising out of Noapara P. S. Case No. 35 of 2017 dated February 1, 2017 under section 376 IPC read with sections 4/8/12 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Kaustav Bagchi ...for the petitioner

Ms. Faria Hossain
Ms. Sonali Das ... for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

The petitioner complains of being in custody for more than three years and nine months and there is little likelihood of immediate completion of the trial.

The State says that the victim was six years old and it is evident from the material gathered against the petitioner that the petitioner is likely to be convicted.

The petitioner, however, claims that the charge against him has been brought as a result of the differences between the petitioner and the survivor's family.

The State refers to the statement of the survivor recorded under Section 164 of the Code and to the report of the medical examination conducted on the survivor.

Though it is evident that the six-year-old survivor could say little or nothing, the medical report reveals that she had suffered injuries to her private parts within a few days of her examination.

Considering the age of the victim and the possible involvement of the petitioner, the prayer for bail is declined.

CRM No.8977 of 2020 is disposed of.

Once normal court resumes, the petitioner may apply for the immediate listing of the matter before the Trial Court.

[Arijit Banerjee, J]

[Sanjib Banerjee, J]