

14.06.2023
Court No.01
Item No.1

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

CRM (DB) 311 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No. 186 of 2016 dated 10.05.2016 under Section 6 of the POCSO Act.

And

In Re: **Bidyut Sarkar**

Petitioner

Mr. Kallal Ghosh
Mr. Rajkumar Gupta
Mr. Dhana Singha Sarkar
Mr. Kishan Sah
Mr. Rakesh Gupta
Mr. Utpal Dutta

For the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Sagnik Sankar Sikdar

For the State

The learned Counsel for the petitioner submits that the petitioner is in custody since 10th May, 2016 and there is a very slow progress in the trial. It is submitted that there are apparent contradictions in the statement of the victim and the deposition of Medical Officer. There are also apparent discrepancies in the charge-sheet read with the depositions of the victim girl and Medical Officer.

The learned Counsel for the State, in opposing the prayer for bail, has strongly relied upon the statement of the victim recorded under Section 164 of the Code of Criminal Procedure implicating the petitioner.

Having considered the materials available with the record and the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure

and also having regard to the fact that, out of ten charge-sheeted witnesses, five witnesses have already been examined, we dispose of the this application by directing the learned Judge, Special Court under POCSO Act/Additional District and Session Judge, 2nd Court, Jalpaiguri to complete the evidence of the remaining witnesses within a period of four months from the next date fixed for recording evidence.

The prosecution shall produce the remaining witnesses on the date to be fixed by the learned Trial Court in terms of this order.

We request the learned Additional District Judge, POCSO Court to conclude and dispose of the matter preferably within a period of six months from date without granting any unnecessary adjournments to either of the parties unless it is unavoidable.

The name of the victim should be redacted from the charge-sheet already filed and the synopsis filed in Court today.

With the above directions, CRM (DB) 311 of 2023 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J)

(Soumen Sen, J)