

06.08.2024
Serial no. 4
CT.-35
[G.S.D]

CRA (SB) 105 of 2022
With
CRAN 2 of 2024

In the matter of : Md. Karibilla Mondal @ Kari Billa @ Kori

... .. Appellant

Mr. Susnigdho Bhattacharyya
Mr. Santa Bhattacharyya
Mr. Santi Ranjan Sarkar
... for the appellant
Mr. Debasish Roy, Id. PP
Mr. Sandip Chakraborty
Mr. Saryati Dutta
... for the State
Mr. Dipanjan Dutta
... for the victim

Ld. advocate for the appellant has preferred an application under Section 391 of the cr.p.c. read with Section 432 of the BNSS.

The appellant has taken out the plea of juvenility, as such, additional evidence is required to be recorded in connection with the instant case. Enclosure to the application reflects that a certificate was issued on 2nd of February, 2006 by a Primary School.

The Id. trial court being the Id. Special Court (POCSO), Bashirhat, North 24 Parganas in connection with Spl. (POCSO) 70/2017 will create a supplementary record and take additional evidence only to the limited extent of

consideration whether the appellant was juvenile or not on the date of the incident.

Let LCR be sent back to the Id. trial court for the limited purpose of assessment relating to age of the appellant, particularly, with respect to the documents produced before this court.

The Id. trial court on an assessment of the same will give its finding and send back the records of the case.

Paper book(s) be retained by the Criminal Appeal Section of the Hon'ble High Court, Calcutta.

Accordingly, CRAN 2 of 2024 is disposed of.

Needless to state that the appellant will appear before the Id. trial court on 28th of August, 2024. The Id. trial court would by 28th of November, 2024 decide the issue and send back the LCR to this court for final hearing of the appeal, if required.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)