Special (P) Case No. 36/19

26/09/19

Accused Banajit Kalita is produced from jail hajot and he is remanded till 11/10/19.

Heard both sides on the point of charge. Perused case record, case diary, ejahar, statement of the victim recorded u/s- 161 CrPC and 164 CrPC, medical report, statement of witnesses and on scrutiny of entire documents on record I find prima-facie materials to proceed with the case against accused Banajit Kalita u/s- 376(3) IPC and section 4 of the POCSO Act. Accordingly, formal charge is framed against accused Banajit Kalita u/s- 376(3) IPC and section 4 of the POCSO Act and read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

By filing petition vide No. 1587/19 petitioner Kusum Kalita prays for grant of bail to accused Banajit Kalita. Heard both sides. Learned defence counsel submitted that accused is only son of petitioner. He has been detained in jail hajot since 16/08/19 and will regularly face the trial, if bail is granted to him.

Perused case record and case diary. I/O has submitted charge sheet against the accused u/s- 376(3) r/w section 4 of the POCSO Act. Considering nature and gravity of the offence, prayer for bail is rejected at this stage.

Issue summon to witnesses. Fix 11/10/19 for production and 25/10/19 for evidence.

Also issue notice to I/O to submit the DNA test report on or before 25/10/19.

Special Judge Nalbari