Learned counsel for the accused is present and has submitted that they have already filed a petition being petition 42/04 before the Court of learned Additional District and Sessions Judge, Cachar, Silchar stating inter-alia that on 18.12.2014 Miton Das was declared as juvenile in conflict with law but thereafter police has submitted chargesheet and learned SDJM, Lakhipur has sent this record to this Court and the case was forwarded to learned Additional Sessions Judge, Cachar, Silchar wherein the case was pending as the Court of learned Additional Sessions Judge, Cachar is vacant for a long time.

Perusal of record reveals that this case was pending in the Court of learned Additional Sessions Judge, Cachar and on the last date the case was withdrawn to my file. I have gone through the contents of the petition no. 42/04 and the available materials on record. Record reveals that vide order dated 18.12.2014, learned SDJM, Cachar, Silchar declared Mithun Das @ Miton Das @ Ajit Das as juvenile in conflict with law and allowed the juvenile in zimma of his maternal grandfather till next date and zimmadar was directed to produce the said JCL before the JJB, Cachar, Silchar on 30.12.2014. Concerned dealing assistant was directed to prepare a copy of the case record and produce the same before the JJB, Cachar before the next date. The IO was also directed vide the said order to expedite the investigation and file a progress report of investigation before JJB, Cachar on the next date and it was also ordered to send a copy of the order to the IO for information and necessary action. The next date was fixed on 30.12.2014 for production before the JJB, Cachar and report. Record further reveals that after investigation, police has submitted chargesheet before Learned SDJM(M), Lakhipur against the accused Miton @ Ajit Das for cognizance of offence U/S 366(A)/376 IPC R/W Section 6 of POCSO Act. and vide order dated 04.09.2018, sent this case record to Special Judge, Cachar, and hence

Special POCSO Case No. 33 of 2018

vide order dated 08.10.2018 my learned predecessor as Special Judge, Cachar, Silchar took cognizance of offence against the accused Miton @ Ajit Das U/S 366(A)/376 IPC R/W Section 6 of the POCSO Act and transferred the case to learned Additional Sessions Judge, Cachar, Silchar. Now after hearing both sides and after going through the record it reveals that way back on 18.12.2014 Miton Das @ Ajit Das was declared as juvenile in conflict with law and ordered to be placed before JJB, Cachar and as such the chargesheet ought not to have been placed before Special Judge. Perusal of the case diary reveals that police had also mentioned Miton Das @ Ajit Das as juvenile in conflict with law and submitted chargesheet before learned SDJM(M), Lakhipur which was wrongly sent to Special Judge, Cachar, rather it ought to have been sent to JJB, Cachar for necessary enquiry.

In view of the above position, the case record of Lakhipur PS Case No. 148/14 (PRC Case No. 148/18 and GR Case No. 3515/14) along with the case diary be transmitted to Learned Principal Magistrate, JJB, Cachar, Silchar through learned CJM, Cachar, Silchar along with a copy of this order.

	The	juvenile	Miton	Das	@	Ajit	Das	is	directed	to	appear	before
JJB, on	1											

This case is disposed of accordingly with the above direction and observations.

Special Judge, Cachar, Silchar