In the Court of SESSIONS JUDGE, Saran at Chapra

[Criminal Misc. Case No. - 36 of 2026]

Chandan Kumar **.....Petitioner**

VERSUS

The State of Bihar **…....Opposite Party**

O R D E R

09.03.2026

The present Criminal Misc. Petition dated 20.02.2026 has been filed by the petitioner-accused, *Chandan Kumar*, under Section 448 of the B.N.S.S. praying for transfer of Town P.S. Case No. 30/2026 from the Court of learned Special Court POCSO, Saran at Chapra to the Court of learned Special Court SC/ST, Saran at Chapra.

Briefly stated, Town P.S. Case No. 30/2026 has been instituted under Sections 137(2), 96, 351(2), 61(2) of the B.N.S. and Sections 3(1)(r) and 3(2)(v-a) of the SC/ST Act. During the pendency of the bail petition of the petitioner-accused before the learned Special Court SC/ST, the Investigating Officer filed an application along with the case diary stating that offences under Section 12 of the POCSO Act and Sections 66(E) and 67(A) of the I.T. Act are also made out in the present case. Considering the materials available in the case diary and the statement of the victim recorded under Section 183 of the B.N.S.S., and as the victim was found to be a minor, the learned Special Court SC/ST transferred the case to the Court of learned Special Court POCSO, Saran for further proceedings.

Learned counsel for the petitioner-accused submits that the case was earlier pending before the Special Court SC/ST and the same has been transferred to the Special Court POCSO without proper authority of law. It is further submitted that the offences under the SC/ST Act are also involved and, therefore, the case ought to be tried by the Special Court SC/ST.

On the other hand, from the report submitted by the learned Special Court SC/ST, Saran *vide* Letter No. 119 dated 26.02.2026, it appears that after considering the materials available in the case diary and the statement of the victim, offences under the provisions of the POCSO Act were found to be attracted. Accordingly, the case was transferred to the Special Court POCSO, which is the competent court to try offences under the POCSO Act.

Heard learned counsel for the petitioner-accused and the learned Public Prosecutor representing the State and perused the record.

From the materials available on record, it appears that offences under the POCSO Act have also been incorporated in the present case and the victim is stated to be a minor. It is well settled that where offences under the POCSO Act are involved along with offences under other enactments, the case is to be tried by the Special Court designated under the POCSO Act. In such circumstances, the transfer of the case to the Special Court POCSO cannot be said to be illegal or without jurisdiction.

Accordingly, **I** find no merit in the present Criminal Misc. Petition. The same is hereby **dismissed**.

Let a copy of this order be communicated to the learned Court concerned for information and needful.

[Dictated]

(Puneet Kumar Garg),
Sessions Judge, Saran
09.03.2026