

**In the Court of the Special Judge, under POCSO Act.
Gangarampur at Buniadpur, Dakshin Dinajpur**

Special Case No. 61 of 2022

CIS No. WBDD-05-000824-2022

J.O Code No. WB00901

**Present : Shri Subrata Mukherjee,
Judge, Special Court, Under the POCSO Act.
Gangarampur at Buniadpur.**

Order No. 28 dated 09-04-2026.

Accused **Mijanur Sarkar** on C.B is present by filing hazira.

The record is taken up for hearing the application regarding the framing of charge against the above named accused person.

Ld. Advocate appearing for the accused submits that there is no allegation against the accused by which a prima facie case under any of the section of the POCSO Act can be framed. Ld. Advocate further submitted that the medical report clearly implicates some other person namely Sukur and not the present accused Mijanur Rahaman. He further submitted that there is nothing against this accused or no circumstance has cropped up by which the accused may be implicated in this case and therefore the accused be discharged.

Ld. Addl. P.P-in-charge raises strong objection and submitted that there is every involvement against the accused by which at least a prima facie case u/s 6/ 17 of the POCSO Act can be framed. Ld. Addl. P.P-in-charge had drawn my attention to the statement of the victim recorded u/s 164 of the Cr.P.C from where it appears that the victim was taken away by the present accused and was handed over to two other persons at Balurghat and from there she was again taken to Kolkata and was raped by one of those two persons. Ld. Addl. P.P-in-charge further submitted that the main preparation and execution of taking away the victim was done by the present accused and if during the process of recording of evidence any evidence cropped up against any other accused the provision of section 319 of the Cr.P.C can be invoked.

Heard both sides.

Perused all the materials on record and the C.D. Considered.

Framing of charge does not make a person guilty but it is meant for informing the person facing the trial about the allegation which had been labeled against him. I had gone through all the materials lying in the record along with the statement of the victim recorded u/s 164 of the Cr.P.C and the statements of other witnesses recorded u/s 161 of the Cr.P.C and also the document lying on the record including the medical report.

On perusal of all those documents and considering the rival contention, I am of the humbled view that there are some prima facie material against the accused which shows the involvement of the accused and his active participation which led to the allegation of rape upon the minor victim and therefore, is of the view that the accused cannot be discharged at this stage without recording of the evidence.

Hence, the application for discharge is considered and rejected and the Ld. Addl. P.P-in-charge is requested to read over the charge against the accused person.

To date.

Dictated & Corrected by

**Judge, under POCSO Act
Gangarampur at Buniadpur.
Dist.- Dakshin Dinajpur.**

**(S. Mukherjee)
(WB-00901)
Judge, under POCSO Act
Gangarampur at Buniadpur
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Present : Shri Subrata Mukherjee,
Judge, Special Court, Under the POCSO Act.
Gangarampur at Buniadpur.**

Later dated 09-04-2026

The record is taken up for consideration of charge.

Ld. Advocate Mr. Shyamal Pal, files appointment letter to represent the State in this case and he is personally present in Court.

Heard. Considered. Perused the record and the documents contained therein.

There appears substantial grounds on the basis of the materials on record to frame charge against the accused for offences punishable **under section 363 of the I.P.C and section 6/17 of the POCSO Act.**

The charges so framed in a separate proforma is kept with the record.

The contents of the said charges are read over and explained to the accused to which he pleads not guilty by saying '**Ami Nirdosh**' and claims to be tried.

Fix **13-08-2026** for evidence of C.S.W.1.

Prosecution is directed to issue summons accordingly.

Dictated & Corrected by

**Judge, under POCSO Act
Gangarampur at Buniadpur.
Dist.- Dakshin Dinajpur.**

**(S. Mukherjee)
(WB-00901)
Judge, under POCSO Act
Gangarampur at Buniadpur
Dist.- Dakshin Dinajpur.**