

In the Court of the Additional District & Sessions Judge, 2nd Court,
Balurghat, Dakshin Dinajpur.
Special (POCSO) Case No.04 of 2026 (CIS No.04/2026)
CNR NO : WBDD01-000012-2026



Present :- Smt. Anindita Ganguli (J.O Code No.WB 00836).

13
12.08.2026

The convict Mantu Das is produced from J/C.

Heard the Learned Special P.P.-in-charge, the Learned Advocate for the convict and also the convict personally on the point of sentence.

The Learned Special P.P.-in-charge submits that the convict does not appear to be repentant for the offence committed by him and maximum sentence be imposed and added that considering the nature of the offence and the conduct of the convict, the convict deserves no leniency and maximum punishment be imposed.

Ld. Special PP-in-charge also prayed for rehabilitation and compensation for the victim child.

On the other hand, the Learned Advocate for the convict submits that the convict is the victim of the circumstances and prayed for mercy and minimum punishment. Ld Advocate also highlights the principle of alternative punishment.

The convict pleads mercy and stated that he is falsely implicated in this case and prayed for leniency stating that he has only his wife at home, and no one else to look after his family. He also highlighted that he is an aged person.

*Considering the nature of the offence, this Court holds the view that this is not a fit case where convict should be released as per provision of **Section 401 of BNSS or Section-3 and 4 of Probation of Offenders Act.***

Considering the nature of the offence and the circumstances under which it was committed the benefit of probation cannot be extended.

As per section 42 of the POCSO Act sentence of a greater degree is to be awarded. Accordingly, sentence for the offence punishable under section 75(2) BNS; Section 12 of the POCSO Act is maintained.

Considering the facts and circumstances and that the victim is of 03 years old and the perpetrator is an aged person having done the act in his full consciousness and knowing the result of the same, I am of the view that

Special (POCSO) Case No.04 of 2026 (CIS No.04/2026)

CNR NO : WBDD01-000012-2026



Contn.. Or. No.13 Dated 12.08.2026

sentence of 05 years imprisonment and also a fine of Rs.5,000/- for the offence U/s-10 of POCSO Act will be appropriate; further sentence of 03 years imprisonment and also fine of Rs. 5,000/ will be appropriate for the offence u/sec 12 of POCSO Act would be proper.

The victim child is in custody of her mother and it appears that the victim girl belongs from middle class family who can take care of her and her well being. But the ordeal that society could not safeguard against her, requires some provision for her relief. Thus, considering all aspects, recommendation for compensation of Rs. 50,000/- (rupees fifty thousand) is made for the victim.

Hence, it is

O r d e r e d

that Mantu Das is convicted for the commission of offence punishable under section 10 POCSO Act and sentenced to suffer simple imprisonment for a period of five (05) years and to pay fine of Rs.5,000/- in default to suffer simple imprisonment for a further period of one (01) month.

Mantu Das is convicted for the commission of offence punishable under section 12 POCSO Act and sentenced to suffer simple imprisonment for a period of three (03) years and to pay fine of Rs.5,000/- in default to suffer simple imprisonment for a further period of one (01) month.

All the sentences to run concurrently.

The period of detention suffered by the convict in the course of investigation, trial be set off u/s. 468 of BNSS as per procedure.

The fine amount, if realized, to be paid to the victim girl.

The convict is informed verbally that he has the right to appeal and he is entitled to free legal aid. However, he has his Ld Advocate to plead.

Special (POCSO) Case No.04 of 2026 (CIS No.04/2026)

CNR NO : WBDD01-000012-2026



Contn.. Or. No.13 Dated 12.08.2026

Let a copy of this judgment of conviction and order of sentence be served on the convict free of cost at once.

A copy of judgment and order of sentence, be sent to the Secretary, High Court Legal Services Committee and the D.L.S.A., Dakshin Dinajpur, for necessary information.

Copy of finding and order of sentence be sent to the District Magistrate, Dakshin Dinajpur as per Section 406 Cr.P.C.

Defacto-complainant has the right to appeal against the judgment and order of sentence before the Higher Authority and they are to be informed about the same through DLSA, Dakshin Dinajpur.

The District Legal Services Authority is recommended to pay compensation of Rs.50,000/ (Rupees Fifty thousand) to the victim towards compensation as discussed above.

Dictated & corrected by me

Judge

**Spl. Judge (under POCSO Act)-cum-ADJ,
2nd Court, Balurghat, Dakshin Dinajpur.
(J.O Code No.WB 00836)**