

West Bengal Form No. 3953.  
High Court Criminal Form No. (O) 36.

**CHARGE WITH TWO HEAD**

[No.XXVIII (I), Schedule V, Act V, 1898.]  
[Sections 221, 222, 223, Code of Criminal Procedure.]

Name & Office

of the Judge I, Sarbani Mallik (Chattopadhyay),  
Addl. Sessions Judge & Spl Judge (POCSO Act) 2<sup>nd</sup> Court,  
Suri, Birbhum.

Name of the

accused person hereby charge you Rathikanta Saha

as follows -

Firstly : That on 21.03.2021 when her daughter went to the field of south at 2:00 p.m to bring goat then the accused person dragged her daughter and torn her wearing apparels and attempted to commit rape upon her and you thereby committed an offence punishable Under Section 376(1)/511 I.P.C., and within the cognizance of this Court.

Thirdly : That on 21.03.2021 when her daughter went to the field of south at 2:00 p.m to bring goat then the accused person dragged her daughter and torn her wearing apparels and attempted to commit rape upon her and attempted to commit aggravated penetrative sexual assault upon the minor daughter of defacto complainant and thereby you committed an offence punishable u/s-6/18 of POCSO Act and within the cognizance of this court.

And I hereby direct that you be tried by the said Court on the said charge. The contents of the said charge is read over and explained to the accused persons in Bengali to which they pleaded not guilty and claimed to be tried.

Dated this the 23rd day of September, 2025

Special Judge (POCSO Act),  
2<sup>nd</sup> Court, Suri, Birbhum.

Order No. 01

Dated 23.09.2025

The record is fixed for appearance and framing of charge.

The accused person, namely, Rathikanta Saha on court bail is present.

Ld. Spl. P.P and the Ld. Advocate for the accused person are present.

Now, the record is taken up for consideration of charge.

After hearing both sides and on perusal of the materials on record, I find that a prima facie case under Section-376(1)/511 of IPC and Section 6/18 of POCSO Act against accused Rathikanta Saha has been established. Charge is accordingly framed with two head under Section 376(1)/511 of IPC and Section 6/18 of POCSO Act against accused Rathikanta Saha in prescribed form which be tagged with the record. The contents of the charge is read over and explained to the accused person in Bengali to which the accused person pleaded not guilty by saying "Ami Nirdosh" and claimed to be tried.

Fix 10.11.2025 for evidence of defacto complainant and VG.

Prosecution is to see that summons upon the said witnesses are issued accordingly.

Witnesses are directed to be present accordingly and for non-compliance of the same provision of section 350 of the Code of Criminal Procedure will be followed.

The I.O is hereby directed to be remained present during entire schedule by producing every witness.

Dictated & corrected

Special Judge (POCSO Act),  
Suri, Birbhum

Special Judge (POCSO Act),  
Suri, Birbhum.

Later

Dated 23.09.2025

Ld. Spl. P.P files the application u/s-311 Cr.P.C mentioning that inadvertently the victim girl has not been included as a witness in the charge sheet so he prays for inclusion of the VG as prosecution witness in the address given in the application.

Heard. Considering all aspects, I am of the view that the petition u/s-311 of Cr.P.C is required to be allowed for ends of justice. Let the VG be permitted to be examined as witness.

Summons at once.

Dictated & corrected

Special Judge (POCSO Act),  
Suri, Birbhum

Special Judge (POCSO Act),  
Suri, Birbhum.