

Children Case No. 1/2026
CNR No. JHJM01-000604-2026

HJM010006042026



In the Court of the Special Judge Children Court, Jamtara

Present:-
Ajai Kumar Srivastava, (JH00510)
Special Judge Children Court,
Jamtara,
Dt: Jamtara, the 23rd. day of July, 2026.

District -Jamtara

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(Arising out of Karmatar P.S. Case No. 24/2025)

Annexure – I

<u>Complainant/ Informant</u>	Father of victim.
Represented By State:-	Sri Rakesh Kumar, Ld. Special P.P. I/c.
<u>Child-in-conflict with law</u>	(1) Bikash Mandal, aged about 18 years, S/o Prabhu Mandal, R/o Siyatand, P.S. Karmatanr, District Jamtara.
Represented By :-	Sri S.N. Mandal, Ld. Advocate.

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Annexure- II

Date(s) of Offence	08.03.2025
Date of FIR	09.03.2025
Date(s) of Charge sheet	Vide charge-sheet No. 63/2025 dated 31.05.2025
Date(s) Framing Charges in case charge is framed or altered in more than one day than specifically it is to be mentioned on which date charge is framed against which accused	27.04.2026
Date of Commencement of evidence	07.05.2026
Date on Judgment is reserved	15.07.2026
Date of the Judgment	23.07.2026
Date of Sentencing Order, if any	Acquitted

Accused details

Rank of the Child	Name of the Child	Date of arrest/ surrender	Date of released on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 468 BNSS 2023.
1	Bikash Mandal	19.03.2025	13.05.2025	u/ss 87 of BNS 2023 and u/ss. 4 and 6 of the POCSO Act	Acquitted	N.A.	N.A.

Annexure- III

List of Prosecution/ Defence/Court Witnesses in both the Sessions Trial together

A. Prosecution

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Rank	Name	(Eye witness, police witness, Expert Witness, Medical Witness, Panch Witness, other witness)
PW 1	Victim	Victim
PW 2	Father of the victim	Informant
PW3	Mother of the victim	Other witness
PW4	Uncle of the victim	Other witness

B. Defence Witness : Nil

Rank	Name	(Eye witness, police witness, Expert Witness, Medical Witness, Panch Witness, other witness)
1		

C. Court Witness : Nil

List of Defence Exhibits

Sl No	Exhibit Number	Description

List of Prosecution Exhibits

Sl No	Exhibit Number	Description
1	Ext. P-1/PW1	Signature of victim on statement recorded U/s 183 of the BNSS 2023 (without objection).
	Ext. P-1/1	Statement of victim recorded U/s 183 of the BNSS 2023 (without objection).
2	Ext. P-2/PW2	Signature of informant on written application (without objection).
Note: All above exhibits marked in Original Case Record of Special POCSO Case No. 35 of 2025.		

J U D G E M E N T

1. The above named sole child (1) **Bikash Mandal** is facing charges for allegedly having committed offence punishable under section **u/s 87 of BNS 2023 and u/ss. 4 and 6 of the POCSO Act.**

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2. **The** case of prosecution in brief is that informant's daughter/victim is said to be aged about 15 years, on 08.03.2025 his daughter went to appear in the examination of matriculation at about 9.00 AM but when she did not return from the school at about 1.00 PM then he inquired about her. It has been further alleged that thereafter School Authority told that his daughter did not come to give examination today. Thereafter he along with his relative started to search his daughter but he could not trace out her. It has been further alleged that he came to know during the course of search of his daughter that Child Vikash Mandal took his daughter by his motorcycle towards Jamtara. It has further alleged that one separate motorcycle was also there which was driven by the co-accused Ritlal Mandal, who is brother-in-law of Child Vikash Mandal. It has further been alleged that he has full belief that Child Vikash Mandal eloped his daughter with an intention to marry his daughter and his brother-in-law has full hand in this crime. Accordingly, this case is registered.

3. **The** "written report" of the informant, which led to registration of Karmatanr P.S. Case No. 24/2025 dated 09.03.2025 u/ss **87 of B.N.S. 2023** against the Child Bikash Mandal and co-accused Ritlal Mandal. On completion of investigation, Investigating Officer submitted charge-sheet vide charge-sheet No. 63/2025 dated 31.05.2025 against the **Child-in-Bikash Mandal** and co-accused **Ritlal Mandal**.

4. **The** record shows that Principal Magistrate Juvenile Justice Board, Jamtara after due inquiry, hold that age of the Child-in-conflict with

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law as 16 years, 11 months and 21 days. Further hold that after receiving the Social Background Report as well as the Medical Examination Report of physical and mental issued by Medical Board, RINPAS, Ranchi which clearly shows that Child-in-conflict with law is matured enough to understand the nature of the offence and also able to understand its consequences. Therefore, the case record of the Child-in-conflict with law was sent to Children Court for trial as an adult. Thereafter, the case has been received on 15.05.2026 for the trial as adult . TPrincipal Magistrate Juvenile Justice Board, Jamtara after due inquiry, hold that age of the Child-in-conflict with law as 16 years, 11 months and 21 days. Further hold that after receiving the Social Background Report as well as the Medical Examination Report of physical and mental issued by Medical Board, RINPAS, Ranchi which clearly shows that Child-in-conflict with law is matured enough to understand the nature of the offence and also able to understand its consequences. Therefore, the case record of the Child-in-conflict with law was sent to Children Court for trial as an adult. Thereafter, the case has been received on 15.05.2026. Principal Magistrate Juvenile Justice Board, Jamtara after due inquiry, hold that age of the Child-in-conflict with law as 16 years, 11 months and 21 days. Further hold that after receiving the Social Background Report as well as the Medical Examination Report of physical and mental issued by Medical Board, RINPAS, Ranchi which clearly shows that Child-in-conflict with law is matured enough to understand the nature of the offence and also able to understand its consequences. Therefore, the case

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record of the Child-in-conflict with law was sent to Children Court for trial as an adult. Thereafter, the case has been received on 15.05.2026.

5. **After** receiving the record and after due inquiry in the light of Juvenile Justice (Care and Protection of Children) Rule 22 and after holding due inquiry and also the reports with the record received from the court of Juvenile Justice Board and hold that Juvenile is sound mind and able to understand the nature of offence and its consequences. Accordingly, case has been proceeded as an adult of the petitioner.

6. **On** above prosecution case, charge on 15.05.2026 **u/s 87 of the BNS 2023 and U/ss. 4 and 6 of the POCSO Act** have been framed against the above named Child which was read over and explained to him in comprehensible Hindi to which he pleaded not guilty and claimed to be tried.

7. **After** closure of prosecution evidence on 25.06.2026, statement of the Child has been recorded by the court on 07.07.2026, according to the provision u/s 351 of the BNSS to which the Child denied the allegation and claimed himself innocent.

8. **Now, the question pose before the Court, whether or not prosecution has been able to substantiate and prove the charge against the above named Child beyond all shadow of reasonable and probable doubts?**

FINDING

Argument of the parties:-

9. **That** Ld. Counsel for the defence has submitted that this case

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has been filed by the father of the victim and prosecution has examined as many as 4 witnesses in this case. He has further submitted that P.W. 1 is the victim of this case, P.W.2 is the as father of the victim as well as informant of this case, P.W.3 is the mother of the victim and P.W.4 is the uncle of the victim, they have not supported the case of prosecution. Hence, he prayed that on the basis of evidence available on the record, Child may be acquitted.

10. That on the other hand Ld. Special P.P. I/c for state submitted that this case has been filed by the father of the victim and prosecution has examined as many as 4 witnesses in this case. He has further submitted that all the witnesses have supported the case of prosecution and after finding the occurrence true, I.O. submitted charge-sheet against the Child. He has further submitted that the Child has been charge-sheeted, hence, he may be convicted.

Evidence of prosecution:-

11. Whatever the defence of the Child? let us scrutinize the evidence available on record.

12. That the case of the prosecution as per the written information submitted by the father of the minor girl on 08.03.2025, his minor daughter aged about 15 years, went to Jhumka Devi School, Karmatanr for Matric Examination but at about 1.00 P.M. when he reached to the School to receive his daughter and also inquired with the School teacher and they informed that his daughter is absent in Examination Hall. The teacher also informed that his daughter is absent and thereafter, he started to search her and came

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to know that Child Bikash Mandal, Son of Prabhu Mandal kidnapped his minor daughter with the help of one co-accused Ritlal Mandal. He also suspected that both accused persons with intention to do wrong act with his daughter, hence, he informed to the concerned Police Station. On the basis of written application, Karmatanr Police Station registered as case on 09.03.2025 against Child Bikash Mandal and co-accused Ritlal Mandal.

13. Before going to discuss the evidence of prosecution witnesses, it is pertinent to mention here that in this case Child Bikash Mandal is facing trial. The main Child Bikash Mandal has been declared juvenile and record is splited up from the original record and sent to the Principal Magistrate, Juvenile Justice Board, Jamtara for inquiry. It further appears from the judicial record that Child Bikash Mandal is facing inquiry before the Principal Magistrate, Juvenile Justice Board, Jamtara but vide order dated 28.04.2026, Principal Magistrate Juvenile Justice Board, Jamtara after due inquiry, hold that age of the Child-in-conflict with law as 16 years, 11 months and 21 days. Further hold that after receiving the Social Background Report as well as the Medical Examination Report of physical and mental issued by Medical Board, RINPAS, Ranchi which clearly shows that Child-in-conflict with law is matured enough to understand the nature of the offence and also able to understand its consequences. Therefore, the case record of the Child-in-conflict with law was sent to Children Court for trial as an adult. Thereafter, the case has been received on 15.05.2026. The Child-in-conflict with law is facing trial as an adult before the Children Court as

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14. **The case** in my hand, trial against the Child Bikash Mandal. During the trial, prosecution has examined altogether four witnesses in this case. On bare perusal of the evidence of the prosecution witnesses P.W.1 Victim, P.W.2 father of the victim, P.W.3 mother of the victim and P.W.4 uncle of the victim and all these witnesses have been declared hostile by the prosecution. Meaning thereby neither the victim nor the informant has supported the contents of the prosecution case.

15. **Let us discuss** the evidence of **P.W.1 Victim**, who has stated in her examination-in-chief in para 1 that on the day of her Matric Examination, she went to Karmatanr and thereafter, she proceeded to visit another place. Thereafter, she came to know that her father filed this case. At that time, she was 15 years old and her date of birth is 11.04.2010. She identified the accused Ritlal Mandal. She further denied that accused and his Jija (sister's husband) did nothing wrong with her. She has identified her signature on the statement U/s 183 of the BNSS 2023 marked Exhibit – P-1/PW1.

In cross-examination on behalf of prosecution, she has denied the real statement that accused enticed her and committed sexual assault.

In cross-examination on behalf of defence, she has stated in para 8 that she has failed to remember the statement given before the learned Judicial Magistrate First Class. In para 9, she has specifically stated that accused Ritlal Mandal did nothing wrong with her.

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16. **P.W.2** identified his signature on the written information marked Exhibit – P-2/PW2. In para 3, he has stated that he has no knowledge that who enticed his daughter. He has identified the accused.

In cross-examination on behalf of defence, he has admitted in para 7 that he has not seen his daughter with the accused Ritlal Mandal.

17. **P.W.3** is mother of the victim and P.W.4 is uncle of the victim P.W. 3 has stated that her daughter went to her friend's house and on suspicion, case has been instituted. At that time, her daughter was 15 years old.

In cross-examination on behalf of prosecution, she has denied that the child-in-conflict with law Bikash Mandal with the help of accused Ritlal Mandal kidnapped her daughter.

The same line also stated by **P.W.4** that he has not seen anyone who kidnapped his niece.

Discussion/Reason/Decision thereof :-

18. **After** discussing the evidence of the victim examined on 22.05.2026 before the Children Court and she disclosed her age 16 years and also disclosed her age in the statement U/s 183 of the BNSS 2023 as 15 years and also assessed by the learned Magistrate as 15 years. Further I have gone through the statement of the victim and I find that she has stated that Child forcibly on the pretext of marriage took her away and put vermilion on her head. She was taken away from School to Durgapur and also established physical relation. The victim identified her signature on the statement **U/s**

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183 of the BNSS 2023 marked Exhibit – P-1/PW1.

But so far as the evidence deposed before the court on oath, she has taken new turn and deposed different story before the court that she has fairly admitted that Child Bikash Mandal did nothing wrong act with her. Even she has fairly admitted that she went to her friend's house and her father filed this case. In para 9, she has further deposed that she has not remembered the contents of the statement recorded by the learned Magistrate and further in para 10 she has admitted that accused did nothing wrong with her. Therefore, it appears that victim deposed different evidence before the court which inspire no confidence and trustworthy to consider before the court. I think due to the friendship and love affair, victim accompanied with the Child, who is also declared juvenile in this case. The victim fairly admitted that Child did nothing wrong even denied sexual activity with her. Therefore, by the evidence of victim, prosecution failed to establish the charges U/ss. 87 of the BNS 2023 and Sections 4 and 6 of the POCSO Act.

19. The other witnesses P.W.2, father of the victim as well as informant of this case, P.W.3, mother of the victim and P.W.4 uncle of the victim have also not stated the single line that the Child who is facing trial in Children Court, did any wrong act with the victim. Although, P.W.2 identified his signature on the written application marked Exhibit – P-2/PW2 but in para 4 stated that he has no knowledge who enticed her daughter. P.W.3 and P.W.4 have also stated the same line, who enticed the victim, he

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has no knowledge. The victim also denied that accused committed wrong act with her. Therefore, I find that there is no such ingredients to fulfill the offence U/s 87 of the BNS 2023 and Sections 4 and 6 of the POCSO Act.

20. It is necessary to mention here that the judicial record of the Child received from the J.J.B. Jamtara before the Children Court but considering the evidence of the victim failed to depose the involvement of the Child in the commission of sexual assault as well as abduction from the legal guardianship.

21. The prosecution failed to examine the Investigating Officer of this case, who conducted the whole investigation and submitted Charge Sheet against the Child. Due to non-examination of the I.O. the place of occurrence as well as material on which the Charge Sheet has been submitted, not proved by the prosecution even the contradictions of the witnesses have not put by the defence in this case.

22. Considering the evidence discussed above, I find and hold that prosecution miserably failed to prove the charges U/s 87 of the BNS 2023 and Sections 4 and 6 of the POCSO Act. Accordingly, child **Bikash Mandal** is liable to be acquitted. Hence, it is hereby.....

ORDERED

That the child **Bikash Mandal** is acquitted from the charges **u/s 87 of BNS 2023 and Sections 4 and 6 of the POCSO Act**. Since the child is on bail. Hence, his bail bond and sureties are also discharge from their liabilities.

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So far as the matter of compensation as prescribed U/s 395 of the BNSS 2023 is concerned, it is apparent that the victim has not supported her own allegations and has rendered herself to be not a victim. Therefore, from the facts of the case and the evidence of the victim, there is no order as to compensation.

(Dictated & Corrected by me)

Sd./-

(Ajai Kumar Srivastava)

(JH00510)

Special Judge Children Court,

Jamtara.

23.07.2026

(Judgment delivered by me)

Sd./-

Special Judge Children Court

Jamtara.

23.07.2026

Judgment pronounced in open Court.

Sd./-

(Ajai Kumar Srivastava)

Special Judge Children Court,

Jamtara.