

IN THE COURT OF PROTECTION OF CHILDREN FROM SEXUAL OFFENCES  
ACT, BANKURA

Spl POCSO Case No. 06 of 2024  
Spl S.T.Case No. 02 (06) 24

Present : Shri Samyajit Mukhopadhyay  
Spl. Judge, POCSO Court, Bankura

Order No. 1  
Dated 10.06.24

Accused Kushamoy Goswami is produced from j/c.

Ld Spl P.P. as well as ld. Defence Counsel is present.

The record is taken up for hearing of the petition dated 04.06.24 filed by the IO on the prayer for collection of blood or any other samples for DNA profiling of accused Kushamoy Goswami, VG and the new born baby to determine the paternity of the new born baby. According to the IO the allegation against the accused is that he committed sexual assault upon the VG repeatedly for which she gave birth of a female baby who is in custody of CWC, Bankura.

The accused Kushamoy Goswami also filed a petition on 10.05.2024 stating inter alia that the allegation is false and further stated that he is not the biological father of the new born baby and he has been falsely implicated in this case. To determine the dispute DNA profiling is necessary. He is ready for DNA profiling for himself and new born baby and also stated that he is willing to bear the costs of DNA profiling.

Heard both sides. Considered.

The prosecution and as well as the accused both prayed for DNA profiling of the accused and the new born baby. The IO also prayed for DNA profiling of the VG. Accordingly the prayer of the IO for DNA profiling test of the accused Kushamoy Goswami, VG and the new born baby is hereby allowed.

The IO is hereby directed to contact with the doctor of BSMCH for collection of blood or any other samples of accused, VG and the new born baby necessary for DNA profiling and fix a date for production of the accused, VG and the new born baby before the doctor.

The doctor of BSMCH is hereby directed to collect of blood or any other sample of the accused Kushamoy Goswami, VG and new born baby and to preserve the same and to hand over it to the IO for sending it the CFSL, Kolkata.

The accused is in custody and accordingly, the Superintendent of BDCH is directed to hand over the accused to the IO for producing him before the doctor of BSMCH on the date to be fixed by the doctor of BSMCH for collection of blood or any other sample and to preserve the same for DNA profiling for sending it to the CFSL, Kolkata. The IO shall return the accused to the BDCH after collection of blood or any other sample for DNA profiling.

The IO is hereby directed to produce the VG and the new born baby for collection of blood or any other sample and to preserve it for DNA profiling and to match the same with the DNA profiling of the accused for determination of paternity of the new born baby.

Contd..Order No. 1  
Dated 10.06.24

The Superintendent, CWC, Bankura, is hereby directed to hand over the new born baby to the IO for collection of blood or any other sample for DNA profiling. The IO shall return the new born baby to the CWC, Bankura, after collection of blood sample or any other sample for DNA profiling.

After collection of blood or any other sample of the accused Kushamoy Goswami, VG and the new born baby the doctor of BSMCH shall preserve it as per procedure and shall hand over it to the IO of this case for sending it to the CFSL, Kolkata for DNA profiling.

The IO shall collect the reports of the accused Kushamoy Goswami, VG and the new born baby from the Director, CFSL, Kolkata and submit it before the court.

Let a copy of this order be sent to the Superintendent, BSMCH, the Superintendent, BDCH, the Superintendent, CWC and the IO of this case.

Dictated & Corrected

Judge, POCSO Court, Bankura

Judge, POCSO Court, Bankura

Later  
Dated 10.06.24

Sole accused Kushamoy Goswami is produced from j/c.

Ld Spl P.P. in charge as well as ld counsel for the accused are present. The record is taken up for consideration of charge.

Heard both the sides. Perused the materials on record together with the statement of the VG u/s 164 Cr.PC. I am of the view that there is sufficient materials for presuming that the accused has committed the offence punishable u/s 376(2)(n) IPC and u/s 6 of the Protection of Children from Sexual Offences Act, 2012.

Accordingly, the charge is framed against the accused and substance of accusation is read over and explained to the accused to which he pleaded not guilty saying 'AMI NIRDOSH' and claimed to be tried. The formal charge is duly filled in and kept with the record.

Fix **30.07.2024** for evidence of complainant &  
**31.07.2024** for evidence of VG.

To dates for production of the accused from j/c through VC.

Issue summons accordingly.

Dictated & Corrected

Spl Judge, (POCSO), Bankura.

Spl Judge, (POCSO), Bankura.