

POCSO Case No. 16 of 2020

**IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE
2nd COURT, COOCH BEHAR.**

**Present: Smt. Mandakranta Saha,
Additional Sessions Judge,
2nd Court, Cooch Behar.**

**The 06th day of June, 2026
POCSO Case No. 16/2020 (CIS No. 16/2020)
POCSO. Trial No. 01(07)2020
C.N.R. No.- WBCB01-000806-2020**

Ref : Sadar Women P.S. Case No. 33/2020 dated 06.04.2020 u/s 6 of POCSO Act 2012.

State of West Bengal

Vs

1. Swapan Roy S/o Late Bablu Roy aged about 25 years resident
of Silkhuribosh, PO-Chilkirhat, PS-Kotwali, District Cooch
Behar.

.....Accused Person

Order No. 31 dated 06.06.2026 :-

Accused person namely, Swapan Roy on court bail is present by
filing hazira.

Ld. P.P-in-Charge is present by filing hazira.

On scrutiny of the record it is found that the victim girl and the defacto
complainant have been examined their evidences so that there is no
requirement under law to call upon the remaining witnesses. Examination of
remaining witnesses will not cause of any benefit to the prosecution case.

Hence, evidence of prosecution is closed.

It appears that there is no incriminating materials to examine the
accused person u/s 313 of Code of Criminal Procedure.

Heard both sides.

Thus, on consent of both sides the record is taken up for hearing the
argument.

Heard argument of both sides in full.

Judgment will be delivered today at 3:00 PM.

Dictated & Corrected,

Judge POCSO Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar,

Judge POCSO -Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar,
JO Code No. WB 00825

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Later/ Order No. 31 dated 06.06.2026
(3.00PM)

Ld. P.P in-charge is present.

Ld. Defence Counsel is also present.

The case record is taken up for delivery of judgment.

The facts of the prosecution case in brief are that – in the year 2019 one day victim girl had left her house without informing her parents. She went to the house of one of her relatives. After searched her in all local areas her parents could not find the victim girl. Thereafter they came to know that Swapan Roy kidnapped their daughter and took her to an unknown place and committed rape upon her against her will and on suspicion mother of the victim girl lodged complaint against the accused.

On the basis of such complaint, Sadar Women P.S. Case No. 33/2020 dated 06.04.2020 u/s 6 of POCSO Act 2012 was initiated.

The matter was investigated by LSI Sanchita Chakraborty of Sadar Women P.S. being Sadar Women P.S Case No. 33 of 2020 dated 06.04.2020 and charge sheet was submitted u/s 6 of POCSO Act 2012 against accused Swapan Roy.

This Court took cognizance of the offence.

Charge u/s 06 of POCSO Act was framed against the accused person namely, Swapan Roy. He pleaded not guilty and claimed to be tried.

Prosecution examined two witnesses to prove the case.

Victim Girl (P.W.- 1) adduced that on suspicion her mother lodged a complaint against the accused at Sadar Women P.S as she voluntarily left home without informing her parents and due to angry he lodged the complaint. She had love affair with the accused and as such she mixed with him.

Father of V.G (PW.2) adduced that as per instruction of local people his wife lodged the complaint. He did not state anything against the accused. Her daughter left home without informing him so he lodged the complaint.

The testimonies of these two vital witnesses show that they have not adduced any facts and circumstances as alleged in the FIR.

This is the proceeding u/s 6 of POCSO Act. It means that victim has to be a child on the date of alleged incident. In the present case no cogent oral or documentary evidence is laid in order to establish that the victim was a child on the date of incident. The prosecution has not proved the basic criteria in order to attract penal provisions of POCSO Act.

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The victim being the prime witness of the case has not deposed any iota of evidence with regard to the alleged incident of sexual assault on repeated occasions at the instance of accused person.

The ingredients of the offence u/s 6 of POCSO Act is not proved against accused namely, Swapan Roy.

In view of the oral and documentary evidence it is concluded that there is no evidence to prove the offence against the accused person.

Hence, it is

ORDERED

that sole accused person namely, Swapan Roy is acquitted u/s 232 of Cr.P.C from offence u/s 06 of POCSO Act.

Accused person be released from his bail bonds/surety bonds. Sureties are also discharged from their respective bonds.

Alamat property, if any, be destroyed after expiry of appeal period.

Dictated & Corrected,

Sd/-

Judge POCSO Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar,

Sd/-

Judge POCSO -Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar,
JO Code No.: WB 00825