

Present :- Deb Kumar Goswami, Judge Special Court (Under POCSO Act), Darjeeling

Special (C) 03 of 2026
CRN: WBDJ010000122026
State Vs Prakash Karal
(Sadar P.S case No. 14/2026 dated 26.01.2026)

Order No. 02 Dated: 29.01.2026

Record is put up today on the prayer of I.O who by filing three separate petitions prays for potency test/ capability test of accused person namely Prakash Karal, recording statement of victim girl u/s 183 of BNSS and production warrant of accused to enable him (I.O) to recover the wearing apparels of the accused at the time of incident, identifying the exact P.O and reconstruction of crime scene.

Ld. Special P.P is present.

In response to a question of this Court, Ld. Special P.P submits that no fresh P.C prayer has been filed by the I.O after the P.C prayer dated 27.01.2026 being rejected by this Court.

Ld. Special P.P further submits that I.O is not present before this court on this day.

In the absence of any fresh P.C prayer, the question of production of accused before this Court by issuing production warrant has no justification and accordingly the said prayer of the I.O stands refused.

Having regard to nature of offence, prayer of I.O seeking recording statement of victim girl u/s 183 BNSS is allowed.

Ld. CJM, Darjeeling is requested to pass necessary order to record statement of victim girl u/s 183 of BNSS by Ld. Judicial Magistrate under his control.

I.O is directed to produce VG before Ld. CJM, Darjeeling for recording her statement.

Ld. Special P.P. submits that for the interest of investigation, the prayer made by the I.O. for conducting the potency or sexual capability test of the accused person is required to be allowed.

Perused the prayer.

Considered.

For the interest of investigation, conducting the potency or sexual capability test of the accused person is considered and hereby allowed.

I.O. is directed to produce the accused before the Superintendent, District Hospital, Darjeeling, for his potency test and to collect the report thereof.

Superintendent of District Correctional Home, Darjeeling is directed to hand over the accused above named to the I.O for the purpose of conducting of capability test.

I.O is directed to hand over the accused to the Superintendent District Correctional Home, Darjeeling as soon as his medical test is over.

Let a copy of this order be at once transmitted to the Superintendent, District Hospital, Darjeeling, Superintendent, District Correctional Home, Darjeeling and I.O of this case for information.

Copy of this order be at once transmitted to Ld. Chief Judicial Darjeeling.

To date **(09.02.2026)** for production of accused.

Dictated and Corrected by me:

Sd/-
Judge, Special Court
Under POCSO Act, Darjeeling.
JO Code: WB00815

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