

IN THE SPECIAL COURT UNDER POCSO ACT, DARJEELING

SPECIAL (C) NO. 06 of 2025 (CIS NO. 06 OF 2025)

CNR: WBDJ010001302025

State Vs Sahil Biswakarma

(Jorebunglow P.S Case No. 11 of 2025 dated 14.03.2025)

Order No. 04 dated: 22.07.2025

Today is fixed for production of accused and hearing bail application.

Accused Sahil Biswakarma is produced from J/C.

Ld. Spl. P.P is present. Ld. Lawyer for accused is present.

Superintendent in charge of District Correctional Home, Darjeeling appeared and submitted that he took charge just day before and he had no knowledge about order of this Court and beg pardon with an undertaking that such mistake will not occur in future.

Accused on asking stated that he has no objection for DNA Profile.

Ld. Lawyer for the accused also asked accused whether knowing consequences that result of DNA Profile may go against him, may not go against him, accused give his consent for DNA Profile.

Yesterday I.O appeared and submitted before this Court that she was not aware about DNA Profile procedure and for that reason she did not take initiative for DNA Profile.

This is case u/s 6 of POCSO Act and u/s 64 of BNS. Prayer of Special Public Prosecutor is considered and allowed

I.O is directed to take proper steps for matching DNA of child of VG, VG and accused.

Three witnesses are present.

VG is examined in chief and cross examined in full as PW-01 in camera and discharged. Certificate issued by this Court containing signature of VG for recording evidence of VG be kept in sealed cover.

Uncle of VG is examined in chief and cross examined in full as PW-2 and discharged. Certificate issued by this Court containing signature of uncle of VG for recording evidence of uncle of VG be kept in sealed cover.

Cousin sister of VG is examined in chief and cross examined in full as PW-3 and discharged. Certificate issued by this Court containing signature of cousin sister of VG for recording evidence of cousin sister of VG be kept in sealed cover.

Four signatures of PW-1 on certificate issued by Ld. Principal Magistrate, Darjeeling is marked as Exbt. P-1/1/PW-1, Exbt. P-1/2/PW-1, Exbt. P-1/3/PW-1 and Exbt. P-1/4/PW-1, Certificate of Ld. Principal Magistrate, Darjeeling as Exbt. P-1/PW-1, statement of PW-1 recorded u/s 183 of BNSS as Exbt. P-2/PW-1.

Written complaint signed by PW-2 is marked as Exbt. P-3/PW-2.

Three signatures of PW-3 on the statement of PW-1 are marked as Exbt. P-2/1/PW-3, Exbt. P-2/2/PW-3 and Exbt. P-2/3/PW-3, signature of PW-3 on seizure list dated 19.03.2025 as Exbt. P-4/1/PW-3, zimmanama as Exbt. P-5/PW-3, admit card as Exbt. P-6/PW-3.

No other witness is present today.

Contd... P/2

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Bail application is taken up for hearing.

Ld. Lawyer for accused submitted that accused is in custody since 14.03.2025, evidence of VG has already been recorded, there is no chance of absconding and tampering with evidences and prays for bail.

Ld. Special P.P opposes prayer for bail.

It appears from record, exhibited admit card of VG that VG was minor on the day of alleged incident, VG became pregnant due to accused as evidence recorded.

Considering above and considering fact that DNA Profile procedure is pending, prayer for bail is **rejected**.

To date (**11.08.2025**) for production of accused and evidence as per schedule.

Copy of this order be sent to O/C, Jorebunglow P.S for information.

Sd/-
Judge, Special Court,
Under POCSO Act, 2012, Darjeeling.