

POCSO 18 of 2025

Present : Sri Satyajit Maity, Judge, Special Court (POCSO), Haldia, Purba Medinipur.
J.O. Code No. WB00987

Order No. 17 dt. 03.11.2025.

Today is fixed for personal appearance of the Investigating Officer of this case and for hearing the petition dated 18.07.2025.

The I.O is present before the Court. Learned P.P in Charge as well learned counsel stands for the complainant both are also present before the court.

Learned counsel stands for the complainant moves the petition dated 18.07.2025, by submitting that application complainant has prayed for re investigation of the case on the grounds stated therein. Learned Counsel submits that the investigating officer without proper investigation surprisingly has submitted the chargesheet against the all accused person except the principal accused against whom the complaint has been lodged. He further submits that this complainant has her strong objection against the C/S already submitted in this case. The P.P in charge also admits that as per FIR, if necessary, Court can pass order accordingly.

Perused the FIR and the entire material in C.D as well perused the Charge Sheet submitted in this case. It appears that the complainant lodged the FIR against the three accused persons. Before discussion further we should go through the **section 193(9)** of **BNSS** which runs as -

“Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (3) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form as the State Government may, by rules, provide; and the provisions of sub-sections (3) to (8) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (3):

Provided that further investigation during the trial may be conducted with the permission of the Court trying the case and the same shall be completed within a period of ninety days which may be extended with the permission of the Court.”

That means, **Section 193 of the Bharatiya Nagarik Suraksha Sanhita (BNSS)** governs "further investigation" (like the old Cr.PC 173(8)), allowing police to collect more evidence after filing a police report, but crucially, it requires permission from the trial court, especially during the trial phase, with a general time limit of 90 days (extendable by the court) to maintain judicial oversight and balance prosecutorial and defence rights.

The judgment of **Vinubhai** case reported in **AIR Online 2019 SC at page 1199** which is a milestone towards the betterment of the inquisitorial criminal justice system in India. The subsequent introduction of the proviso to Section 193(9) of BNSS, which affirms the permissibility of further investigation even after the commencement of trial within 90 days strikes a balance ensuring procedural fairness and safeguarding both the rights of the accused and the interests of the

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prosecution, maintaining transparency through judicial oversight remains crucial, reaching to this watershed, the judiciary pronounced various precedents, thereby, shaping the contemporary legal framework with aid of the legislature. But after completion of investigation while police already submitted charge sheet against some of the accused persons and exclude the other accused for want of sufficient material, just for this, police should not be directed to investigate the case further. After scrutinizing the record this court finds no material collected against that accused who is excluded in charge sheet.

Considering all these aspects and as per principle adopted in the aforementioned cases this court is of view in this case it is not necessary to direct the I/O for further investigation of this case.

Hence the petition dated 18.07.2025 is hereby **rejected**.

B/C-1 directed to serve copy as per procedure.

Fix 09.03.2026 for appearance and supply of copy.

Dic. & corr. by me,

Judge,
Special Court (POCSO),
Haldia

Judge,
Special Court (POCSO)
Haldia