

Sessions Case No. 574 of 2025

Present: Sri. Ajayendra Nath Bhattacharya
Judge, Children's Court-cum- Special Court, POCSO Act, Contai
JO Code: WB00819

Order No: 07
Date: 28-01-2026

Today is fixed for production and further order.

The CCL is produced from Swamiji Observation Home for boys.

Ld. PP-in-charge is present.

On perusal of the case record it is found that on the basis of a written information made by one Goutam Kumar Jana, Ramnagar PS Case 509 of 2024 dated 27-10-2024 was registered in respect of commission of an offence punishable u/S. 103/238/61(2) BNS and the CCL boy was apprehended by the police and produced before the JJB, Purba Medinipur at Tamluk and the said Board was of the considered opinion that the CCL was required to be tried as an adult offender and accordingly had transmitted the case record to this Court for trial.

Now, on receipt of the case record, this Court is duty bound in terms of S. 19 of the JJ Act, 2015 to decide as to whether the CCL is required to be tried as an adult offender or he should be tried as a CCL. In doing so, this Court has to bear in mind the physical and mental capacity of the CCL to commit the alleged offence, his capacity to understand the consequence of the alleged offence and the circumstance in which the offence was alleged to be committed.

The Court has considered the submissions of the Ld. Advocate for the offender and the Ld. PP-in-charge in the light of the materials on record. Perused the entire case diary and the other materials on record.

The Ld. Counsel for the offender submitted that the offender is below the age of maturity and he is totally innocent and has been falsely implicated in this case. It is submitted that the only allegation against the offender is that he had transported the principal accused persons at the time of commission of the alleged offence on his motorcycle. It is submitted that even if the said allegation of the prosecution is found to be true there is no evidence to show that the offender was aware about the intentions of the principal accused persons or that he had participated in the alleged offence.

On the other hand, the Ld. PP-in-charge submitted that the offender has committed a heinous offence and he should be treated as an adult offender. It is submitted that the materials in the case record and the case diary clearly goes to show that the offender had the physical and mental capacity to commit the offence in question and he was totally aware about the consequences of his acts and deeds and had voluntarily participated in the alleged heinous offence and had played an important role in the commission of the alleged offence.

On perusal of the materials on the case record and the case diary, it is found that there are sufficient materials to prima facie hold that the offender had played a significant role in the commission of the alleged offence. The offence alleged is not only heinous but also grave. On perusal of the Social Investigation Report, Social Background Report and the Mental

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Capacity Report of the offender, it is found that the offender had sufficient maturity and understanding to know the consequences of his acts and deeds and he had voluntarily participated in the alleged offence with requisite criminal intention. Considering the said facts and the nature and gravity of the offence committed, this Court is of the considered view that the offender should be treated as an adult offender and tried accordingly.

Hence, it is

ORDERED

that the offender of this case is to be tried as an adult offender for alleged commission of the alleged offence and he is not required to be treated as a CCL for the purpose of trial of this case.

So far the question of bail application of the accused person is concerned, the Ld. Advocate for the accused person has submitted that the accused person is a boy of young age and has been falsely implicated in this case. It is submitted that considering the age of the accused person and his long period of detention, the accused person may be released on bail. It is also submitted that the accused person is a permanent resident within the jurisdiction of this court and will not abscond if released on bail and will face the trial.

Strong objection has been taken by the Ld, PP-in-charge who submits that sufficient materials have been collected in investigation against the accused person and his involvement in the alleged grievous and heinous offence has been well established in the process of investigation and as such he may not be released on bail.

Considering the materials on record and the case diary, the alleged role played by the accused person in the alleged offence and the chance of his mingling with habitual offenders if he is released on bail, this Court is not inclined to release the accused person on bail and the prayer for bail stands rejected.

To **11-02-2026** for consideration of charge.

Accused be produced physically before this Court on the next date.

Dictated and Corrected By:

Sd/-

Judge, Children's Court,
-cum-POCSO Court, Contai.

Sd/-

Judge, Children's Court,
-cum- POCSO Court, Contai,
JO Code: WB00819.