

POCSE 14 / 2025
(C.N.R. - WBHG05-000462-2025)

Present: Smt. Ratna Roy
(J.O. Code : WB00914)

Order No.10, Date:08.06.2026

Sole accused Kali Jha is present by filing hazira.

Ld. Special P.P. in-charge is also present by filing hazira.

Today is fixed for hearing of the application under Section 250 of BNSS read with Section 33 of POCSO Act.

Accordingly, the petition is taken up for hearing.

Ld. Advocate for the accused submitted that the medical evidence that is on record does not show any injury. That the entire case was started because of language problem. The accused had only scolded the victim girl due to her delay in returning home. The de facto does not know Bengali. The person who wrote the FIR for her on the other hand does not know Hindi. As a result the facts as written in the FIR was whatever interpreted by the scribe on hearing the de facto. The only witness of the case has expired. At the time anticipatory bail was granted to the accused. It has been observed by the Court that the case was started because of language problem and misunderstanding that took place between the de facto and the accused. There is no merit in the case. He thus prays for discharge of the accused.

Ld. P.P. in-charge opposed the submission of the Ld. Advocate for the accused stating that after investigation charge sheet has been filed against the accused under Section 74 of BNS and Section 10 of POCSO Act. The victim girl, her parents and other witnesses have all corroborated the FIR during the statement under Section 180 and Section 180 of BNSS. That there is no provision for discharge of accused under the Special Act.

Considered submission of Ld. Advocates of both sides.

Perused the materials in the record and C.D.

On perusal of the record, I find that this Court had received copy of order being Sl. No. 6 dated 21.05.2025 passed by the Hon'ble Court in CRR NO: 1774/25 (CRAN: 1 of 2025). On perusal of the said order, I find that the accused had gone to the Hon'ble Court for quashing of the case against him on the ground of compromise and the Hon'ble Court had dismissed the said revisional application of the accused. I also find another copy of order of the Hon'ble Court being order Sl No. 9 dated 09.01.2026 passed in CRR NO: 4598 of 2025. From the said order of Hon'ble Court I find that it

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has been observed by the Hon'ble Court that the Second revisional application by the petitioner by suppressing the fact of the dismissal of the earlier one amounted to suppression of material fact and the Hon'ble Court had dismissed the Revisional application being no. CRR 4598/2025. The Ld. Advocate for the accused today while moving the application under Section 250 of BNSS had completely suppressed. The orders of the Hon'ble Court passed in CRR NO: 1774/25 (CRAN: 1 of 2025) and CRR NO: 4598 of 2025.

I find that charge sheet has been filed in this case against the accused under Section 74 of BNS and Section 10 of the POCSO Act. The case under Section 10 of POCSO Act, the fact of injury not being found in the body of the V.G. is not fatal for the case and cannot be a ground for discharging the accused.

On perusal of the statement of the V.G. under Section 183 of BNSS, I find that she had fully corroborated the FIR. Her parents and other witnesses had during their statement under Section 180 and 183 of BNSS have also specifically stated as to what the accused did with the V.G. The V.G. aged at the time of the alleged offence was only 8 years old.

The observation of the Court while granting bail to the accused regarding language problem for which the FIR had been lodged against the accused about which Ld. Advocate stated while moving the application, is not any observation of the Court. It was the submission which was made by the Ld. Advocate for the de facto.

Considering the age of the V.G, the materials against the accused in the C.D. and in view of the above discussion, I do not find any ground to discharge the accused.

Hence, the application under Section 250 of BNSS stands rejected.

Fix 26.08.2026 for framing of charge.

Accused must be present on the date fixed.

Sd/-

(Smt. Ratna Roy)
Judge, Special Court-cum-
Additional Sessions Judge,
1st Court, Serampore,

Sd/-

(Smt. Ratna Roy)
Judge, Special Court-cum-
Additional Sessions Judge,
1st Court, Serampore