

POCSO Case No. 174 of 2025
J.O Code No.WB00692

CIS No.174/2025
CNR No.WBML01-006833-2025

In the Court of the Ld. District & Sessions Judge,
2nd POCSO Special Court, Malda

POCSO Case No. 174 of 2025

Present: Sri Rajib Saha (J.O. Code No.WB00692)
Judge, Special Court,
ADJ 2nd Court, Malda.

Ref: Bhutni Police Station Case No. 139/2025 dated 23-10-2025
137(2)/140(3) of BNS and under Section 4 of POCSO Act

State of West Bengal Vs. Nimai Mandal

Order No.07
22-04-2026

Today is fixed for production of the accused person and examination under Section 313 Cr.P.C/ Section 351 BNSS.

The accused person namely, Nimai Mandal is produced from J.C through V.C.

The case record is taken up for examination of the accused person under Section 313 Cr.P.C./Section 351 BNSS., but on perusal of the evidence on record, no material for examination of the accused person has transpired and as such examination of accused person under Section 313 Cr.P.C. / Section 351 BNSS is dispensed with.

The fact of the case is that father of the victim girl has lodged a complaint with Bhutni Police Station on 23-10-2025 to the effect that on 22-10-2025 at about 9:00OPM his minor daughter aged about 16 years 06 months, was roaming in front of the house and then accused Nimai Mandal forcibly

kidnapped her and confined in an unknown place.

On the basis of the aforesaid written complaint, Bhutni Police Station Case No. 139/2025 dated 23-10-2025 under Section 137(2)/140(3) of BNS has been started. After completion of investigation, the I.O SI. Sukumar Roy has submitted Charge Sheet being no. 132/2025 dated 30-11-2025 under Section 137(2)/140(3) of BNS adding Sections 4 of POCSO Act against accused Nimai Mandal.

On perusal of the materials on record and having heard both sides Charge was framed under Section 137(2)/140(3) of BNS and under Section 4 of the POCSO Act against accused person namely, Nimai Mandal.

The Ld. P.P-in-charge has submitted that in this case from the side of the prosecution two witnesses have been examined including victim child as P.W-1, father of the victim girl as P.W-2 who have not stated anything in support of the prosecution fact and as such this is a case of no evidence.

The Ld. Advocate for the accused has contended that the instant case has been filed out of misunderstanding as the victim girl went to the house of her relative after quarrel with her mother without informing family members and the V.G was found missing. The instance has been filed out of suspicion and nothing has happened with the V.G.

In order to establish the case, prosecution has produced and examined two witnesses, i.e. victim girl as P.W-1, father of the victim girl as PW.2.

The victim girl as P.W.1 has stated in her evidence that she left her house out of quarrel with her family members to go the house of her aunt and on the way, she met with accused Nimai Mandal. The V.G has stated that she went with him in his house and stayed there for 3 days. In the cross-examination V.G has stated that she was going to the house of her aunt and on the way, she met with Nimai and during the three days she used to sleep with mother of Nimai. The V.G has also stated that she knew accused Nimai from her childhood and she went to the house of Nimai with her understanding that he is a good and sober boy. The V.G has further disclosed that she has denied medical examination as no physical relation of her took place during those three days and nothing bad has happened. The V.G has further disclosed that police has told what to say before the Ld. Magistrate and she cannot recollect what exactly she told before the Ld. Magistrate. The father of the victim girl as P.W2 has stated that at the time of incident his daughter was aged about 18 years and nothing has happened with his daughter at the instance of the accused. He has stated that there was a quarrel of his daughter with her mother for which his daughter went to the house of her maternal aunt but returned back after 2/3 days. The father of the V.G has stated that he has lodged the complaint and thereafter came to know that his daughter went to the house of her aunt. In the cross examination he has stated that the complaint was lodged as per saying of the villagers due to missing of his daughter and his daughter has

not alleged anything against any person for her missing.

The statement of the victim girl has been recorded by the Ld. Magistrate under Section 183 of BNSS and before the Ld. Magistrate she has stated that she went to the house of her aunt wherefrom accused Nimai Mandal brought her to his house where she stayed for three days. The V.G has stated that they have not married and nothing forceful happened upon her but police recovered her. The victim girl and her father have not alleged anything against the accused Nimai Mandal for kidnapping the V.G or any forceful sexual intercourse upon her. The medical examination of the V.G was refused and V.G has stated in her evidence that as nothing wrong committed upon her, she declined for medical examination. The father of the V.G being the complainant has stated that the V.G was aged about 18 years at the time of incident and his daughter has not made any complaint against the accused Nimai Mandal over the incident.

Thus, it appears that there is no evidence of the alleged offence punishable under Section 137(2)/140(3) of BNS and under Section 4 of the POCSO Act against accused Nimai Mandal., and as such the prosecution has not been able to establish any case at all.

Hence, it is

ORDERED

that the accused person namely Nimai Mandal. is held not guilty for the offence punishable under Section 137(2)/140(3) of BNS and under Section 4 of the POCSO

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Act. The accused person is acquitted from this case under Section 232 of Cr.P.C/ Section 255 BNSS.

The accused person is in custody and accordingly issue release order at once.

Seized *alamat*, if any, be disposed of in accordance with law.

Dictd. & Corrted. by me,

*Judge, Special Court,
ADJ 2nd Court, Malda.*

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ADJ 2nd Court, Malda.*