

SC 10(11)18

CIS no: 170/2022

JO Code: WB01033

Order no. 30 dt. 07/8/26:

The accused person is present by filing hazira.

Today is fixed for passing order.

I have heard Ld. Advocates for both sides on the previous date.

The case record is now taken up for passing necessary order.

At the time of hearing Ld. P.P. in-charge submitted that in the statement of the victim girl u/s 164 of Cr.P.C it had been stated that she went with Asraf Ali Sk. in Mumbai where after marriage they resided as husband and wife and the date of birth of the victim is 13/10/1998 which means when the victim girl went to Mumbai then she was 17 years old and hence it attracts the provision of POCSO and hence prayed before this court to pass necessary order and to transfer the case record before Special POCSO Court.

Hd. Ld. Advocate for the accused who strongly opposed to this and stated that only to harass this accused this sort of petition filed by the P.P. in-charge and hence prayed before this court to reject the prayer of the P.P. in-charge. In support of the contention Ld. Advocate for the accused referred *Durgesh Maurya Vs. State of U.P. and three others* of High Court of Judicature at Allahabad Application No. 12934 of 2026.

Perused the said petition, the entire case record and case diary. I had gone through the statement of victim girl but mere staying together only does not mean that it will attract the provision of POCSO Act and moreover the victim girl did not say anything directly against the accused in her statement u/s 164 of Cr.P.C. that the accused had committed any of the offences under the provision of POCSO Act. Hence, the petition has filed by the prosecution is considered and rejected.

Case is adjourned.

To 14/12/26 for charge.

D/c by me: