

POCSO(Spl) 102 of 2024

Present: SUTIRTHA BANERJEE [J.O. Code WB-00980]

Additional District & Sessions Judge, Basirhat

North 24 Pgnos

Order no. 20 dated 5/7/2025

Accused Khokon Shikari present by filing hazira and files an application for confirmation of interim bail.

Prayer for confirmation is rejected. Interim bail is extended till next date.

Accused Jimnesh Kumar is produced through V.C.

One bail application of the accused is filed by Ld. Advocate from SDLSC panel.

Ld. Special P.P. files hazira and is present.

Ld. Advocate for accused prays for bail on ground of false implication.

It is also submitted that there was love affair between parties and whatever happened out of consent.

Ld. Special Public Prosecutor raises objection.

Heard both sides. Considered.

Perused the case diary. Charge-sheet submitted.

Specific allegation as to offence under section 6 POCSO Act against the accused which has been prima facie supported by filing of charge-sheet.

Considering the nature and gravity of alleged offences I am not inclined to enlarge the accused on bail at this stage.

Bail prayer hence stands rejected.

Accused remanded to judicial custody till 22/7/2025.

It appears that de-facto complainant of this case has filed an application on 6/11/2024 praying for further investigation on ground of I.O. not sending up in charge-sheet some F.I.R. named accused persons. Ld. Advocate for de-facto complainant moves the said application.

Heard Ld. advocate for de-facto complainant and Ld. Special Public Prosecutor for the State. Ld. Special Public Prosecutor submits that I.O. after proper investigation submitted charge-sheet against the present accused and no case was called for further investigation.

The main allegation of the *defacto* complainant is that the Investigating Officer of this case without doing proper investigation has not sent up for trial 5(five) of the F.I.R. named accused persons who too were party to the alleged offences alongwith the accused who have been sent up for trial.

Perused the case record and the Case Diary. Considered the submissions of the defacto complainant, as were made at the time of hearing.

Considered the entire situation.

It appears that I.O. has examined local witnesses including the de-facto complainant and the V.G. but specific materials as against the accused persons not sent up for trial are indeed lacking in the case diary especially when statements u/s 183/180 BNSS of the witnesses are considered. The statement of the VG under section 164 Cr.P.C. is also silent about the part play of the aforesaid five accused persons.

Considering the materials on record I do not find any ground to allow the prayer of the Petitioner praying for further investigation in this case with respect to discharge of accused not sent up for trial.

No question of Petitioner being prejudiced arises as said accused can be arraigned as accused during trial too by recourse to section 358 BNSS if materials so transpire.

Hence from overall conspectus I do not find any material to suggest that investigation was done in improper manner calling for further investigation as prayed for by the de-facto complainant.

In view of the above discussion I find no merit in the petition for further investigation as prayed for by the de-facto complainant and find it fit to reject the same.

Hence it is,

ORDERED

That the petition dated 6/11/2024 filed by the de-facto complainant praying for further investigation on the ground of not sending up for trial five(5) accused persons named in column no. 13 of the charge-sheet stands rejected on contest.

Accused persons named in column no. 13 of the charge-sheet stand discharged from this case.

Perused the case record. It is axiomatic that the I.O has filed his report following the modalities of 193 BNSS. On perusal of the charge-sheet it has transpired that the I.O after investigation has found prima facie materials against the accused persons namely Khokon Shikari and Jimnesh Kumar and has indicted them for allegedly committing offences punishable U/s. 137(2)/61(2)BNS and 137(2)/140(3)/61(2) BNS and 6 POCSO Act respectively.

I have meticulously introspected the charge-sheet and the materials forwarded with the charge-sheet . After such exercise I find that there are prima facie materials against the accused persons and a case for taking of cognizance has been made out.

Hence **cognizance is taken** for committing offences punishable U/s. 137(2)/61(2) BNS and 137(2)/140(3)/61(2) BNS and 6 POCSO Act respectively against the accused persons namely Khokon Shikari and Jimnesh Kumar respectively.

Copies ready.

Fix **22/07/2025** for physical production of accused Jimnesh Kumar, appearance of accused on bail and supply of copies.

Dictated & corrected by me

Judge,Spl. Court (POCSO Act)
Basirhat, North 24 Parganas

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