

**Spl (POCSO) 124 of 2024 (R. 61 of 2017)**

**Present:- Sri Sutirtha Banerjee**  
**J.O Code : WB 00980**  
**Additional Sessions Judge, Basirhat**

**Order No. 23 Dated 30/08/2025**

Today is fixed for production and consideration of charge.

Accused Naba Kumar Gayen @ Lalu is produced from judicial custody through audio video linkage.

Record is taken up for framing of charge.

Perused the C.S, C/R and other relevant documents on record.

On perusal it appears to me that there are sufficient grounds for framing of charge against the accused person u/s 64(2)(f)/65(2) of BNS, section 6/10 of POCSO Act. Accordingly charge is framed against the accused person u/s 64(2)(f)/65(2) of BNS, section 6/10 of POCSO Act in separate sheet of paper in prescribed form.

The contents of charge are read over and explained to accused person in Bengali, to which he plead not guilty by saying “ami nirdosh” and claim to be tried.

One bail application of the accused namely, **Naba Kumar Gayen @ Lalu** is filed.

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

Learned Advocate for the accused admitted before this Court that on previous occasion an application u/s 483 BNSS was rejected by the Hon’ble High Court at Calcutta vide CRM (M) 917 of 2025.

Ld. Special Public Prosecutor raises objection.

Heard both sides. Considered.

Perused the case diary.

Charge-sheet submitted under section 6 POCSO Act and u/s 64(2)(f)/65(2) of BNS and charge has been framed under section 64(2)(f)/65(2) of BNS and section 6 POCSO Act. Accused is the private tutor of the V.G. who was aged 11 years 5 months at the time of alleged incident.

Considering the nature and gravity of alleged offences and tender age of the V.G. and also materials in support of allegations in case diary and fact that Hon’ble High Court has been pleased to reject the application for bail with respect to accused recently, I am not inclined to enlarge the accused on bail at this stage.

Bail prayer is hence rejected. Accused is remanded to judicial custody.

Ld. advocate for accused prays for date after Puja Vacation.

Fix **04/11/2025** for production of accused and evidence of the defacto complainant.

Ld. Public Prosecutor in charge to ensure summons are put in and production of alamat if any on date fixed.

**Dictated & corrected by me**

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

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**Charges with Three Heads**  
(No. XXVIII(II), Schedule V, Act V,1898)  
Sections 221, 222, 223, Code of Criminal Procedure)

**SPL(POCSO) 124/2024**

Name & Office of  
Magistrate, & Court

Ref: (Hingaljanj P.S Case No. 189/2024 dated 22/10/2024)

**I, Sri S Banerjee**  
Judge(Special Court)POCSO Act  
Basirhat, North 24 Pgns

hereby charge you

name of the accused person/s

**1. Naba Kumar Gayen @ Lalu**

(3)My cognizance or  
the cognizance of the  
Court of Sessions

**Firstly-** That you, on 21/10/2024 at about 6 p.m. at village Uttar Gabindakati under P.S. Hingaljanj, being private tutor of V.G. and hence person in position of trust qua the V.G. inserted your finger into the vagina of the V.G. (aged 11 years 5 months) and you thereby committed an offence punishable under section **64 (2) (f) of B.N.S.** and within the cognizance of this Court.

**Secondly-** That you, on 21/10/2024 at about 6 p.m. at village Uttar Gabindakati under P.S. Hingaljanj, being private tutor of the V.G. inserted your finger into the vagina of the V.G. (aged 11 years 5 months) who was aged less than twelve years of age and you thereby committed an offence punishable under section **65(2)** of B.N.S. and within the cognizance of this Court.

**Thirdly-** That you, on 21/10/2024 at about 6 p.m. at village Uttar Gabindakati under P.S. Hingaljanj and since 1 month prior to such date , being private tutor and hence person in position of trust qua the V.G. who was aged less than 12 years with sexual intent touched the breast of the V.G. and touched her other body parts with sexual intent involving physical contact without penetration and you thereby committed an offence under section **9** POCSO Act punishable under section **10 POCSO Act** and within the cognizance of this Court.

**Fourthly** - That you, on 21/10/2024 at about 6 p.m. at village Uttar Gabindakati under P.S. Hingaljanj, being private tutor of the V.G. inserted your finger into the vagina of the V.G. (aged 11 years 5 months) hence aged less than 12 years and committed hence committed aggravated penetrative sexual assault on her as defined under section 5(m) of POCSO Act and hence committed offence of aggravated penetrative sexual assault and hence committed an offence punishable under section **6** POCSO Act.

And I hereby direct that you be tried by the said court on the said charges.

Charges are read over and explained to the accused person to which he pleaded not guilty by saying 'Ami Nirdosh' and claim to be tried.

**Dated this 30<sup>th</sup> day of August, 2025**

Dictated and corrected by me :

Judge(Special Court)POCSO Act  
**Basirhat, North 24 Pgns**

Judge(Special Court)POCSO Act  
**Basirhat, North 24 Pgns**

