

CBI No. 16/2022
RC-22 S 2021/2021
CBI Vs. Bharat Bhushan

20.12.2022

Present: Sh. Darshan Lal, Ld. PP for the CBI.

IO/Inspector Robin Kumar, SC-III, CBI, New Delhi in person.

Accused Bharat Bhushan in person with Ld. counsel Sh. S.K. Arya.

Partly heard.

This is chargesheet filed u/s 67B of the IT Act. I have carefully gone through the charge-sheet and record. As per the chargesheet accused was involved in publishing/ transmitting child sexual exploitation material in the electronic form depicting children engaged in sexually explicit conduct.

This court is of the considered opinion that the acts as alleged by the CBI on part of accused is also an offence punishable u/s 15 (3) of the POCSO Act and it reads as under :-

15. Punishment for storage of pornographic material involving child.

(1) xxxxx

(2) xxxxxx

(3) Any person, who stores or possesses pornographic material in any form involving a child for commercial purpose shall be punished on the first conviction with imprisonment of either description which shall not be less than three years which may extend to five years, or with fine, or with both and in the event of second or subsequent conviction, with

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imprisonment of either description which shall not be less than five years which may extend to seven years and shall also be liable to fine.

Moreover, as per section 28 (3) of the POCSO Act only special court constituted under the POCSO Act have the jurisdiction to try offences u/s 67-B of the IT Act. Hence, this court does not have the jurisdiction to try the instant case in view of express bar stipulated in section 28 (3) of the POCSO Act.

Therefore, let the instant case file be sent to the court of Ld. Principal District & Sessions Judge-cum Spl. Judge (PC-Act) (CBI), Rouse Avenue Court Complex, New Delhi on **03.01.2023 at 02:00 PM** for appropriate order/ directions.

Ahlmad is directed to send the file complete in all respect well before the NDOH.

**(DEEPAK KUMAR-II)
ACMM-2 cum ACJ
RACC New Delhi / 20.12.2022**