

Special case No. 01 of 2026

Order no. 02 dated 03.01.2026.

The accused **Ziaul Hasan** is produced from JC.

Ld. Advocate for the accused is present.

Ld. Special PP is present.

IO is present with CD.

The victim also turned up from the custody of CWC.

The victim submits before the court that Ld. Special PP will make submission on her behalf.

I have examined the victim in open court in camera.

She specifically alleged that her father forced her to marry when she was a child of 13 years of age and that her husband forcefully committed sexual intercourse with her and she was also brutally assaulted by her husband.

She also submits that out of fear and pressure of her husband she did not lodge any complaint against her husband and after getting some maturity when she became 16 years of age, she had lodged the complaint.

On perusal of the CD, it appears that the specific allegation against this accused being the father of the victim is promoting the child marriage.

It was the submission of the Ld. Advocate for the accused that the accused being the father of the victim, made a negotiation of marriage of the victim but the said marriage did not take place till now.

It was alleged by the Ld. Advocate for the accused that this victim engaged in a relationship with another person and the same was not of liking of the accused and when he protested, this victim had lodged the complaint.

I have considered the grounds of arrest mentioned by the IO and in the said grounds of arrest, I do not find any ingredient for any offence U/s 6 of POCSO Act or section 64/61 BNS in respect of this accused.

It is very much peculiar as to why the IO had arrested this accused for offence U/s 6 of POCSO Act or section 64 BNS.

I have also perused the documents and photographs filed by the Ld. Counsel for the accused.

I think that for the allegations mentioned in the complaint as well as the materials collected by the IO in course of investigation does not require

custodial detention of the this accused.

Under the circumstances, this accused namely **Ziaul Hasan** being the father of the victim, may be released on his furnishing bond of Rs. 6,000/- with two registered sureties of Rs. 3,000/- each subject to the satisfaction of Ld. ACJM, Sealdah.

To **30.01.2026** for appearance and IO's report.

A prayer was made by the IO for adding section 17 of POCSO Act in this case in respect of this accused.

On perusal of the CD as well as the statement of the victim, I do not find any ground to add section 17 of POCSO Act in this case and the prayer of the IO stands rejected.

The documents and photographs placed by the accused be returned immediately.

Let a copy of this order be sent to the Ld. ACJM, Sealdah for information and taking necessary action.

D/C by me

ASJ, 1st Court, Sealdah

(Anirban Das)/WB0691
Addl. Sessions Judge, 1st Court,
Sealdah, 24-Pgs.(S).