

In the court of the Judge, Special court under the POCSO Act, 2012

Diamond Harbour, South 24 Parganas

Present : Sanjib Daruka (WB00765)

Special 36 of 2022

arising out of Magrahat PS case No 224 of 2022

u/s 376AB of IPC & 6 of the POCSO Act, 2012

State Vs Gopal Naskar

Order No 64

13.01.2026

Sole accused Gopal Naskar is produced from JC through VC.

Today is fixed for hearing of argument. Before the starting of the argument, it is detected by the court that the birth certificate of the victim girl is not brought on record by the prosecution.

Ld Defence Counsel has pointed out that the statement of the VG recorded by Ld Magistrate is also not marked as an Exhibit. He submits that a comprehensive order may be passed resolving the issues of the prosecution so that this case may proceed further.

At this stage, Ld PP in charge has filed two separate petitions. One petition is filed praying for admitting the statement of the VG recorded by Ld Magistrate as an Exhibit. Other petition is filed praying for recalling the defacto complainant (mother of the VG) for her examination in chief for the purpose of proving the birth certificate of the victim girl. Both the petitions are seen by Ld Defence Counsel.

Heard both sides.

At the time of hearing, Ld Defence Counsel has submitted that both the petitions may be allowed. However, he has prayed for fixing up a short date.

On such submission, both the petitions are allowed on consent.

Let the statement of the VG recorded by Ld Magistrate on 09.06.2022 be admitted in evidence and marked as Exhibit 4.

It appears from the case record that the original birth certificate of the VG was seized by the IO under a seizure list. The seized birth certificate was given in the zimma of the defacto complainant, mother of the VG. The seizure list and the zimma nama both are admitted in evidence and marked as Exhibits on behalf of the prosecution.

However, the original birth certificate is not brought on record. Proof of the date of birth of the VG is necessary in this POCSO trial.

So, the petition filed by the prosecution praying for further examination in chief of the defacto complainant on record is allowed on consent.

Fix 02.02.2026 for further examination in chief of the defacto complainant (PW1) for proving the birth certificate of the VG.

Prosecution is directed to ensure attendance of the witness on the date fixed and to make arrangement for production of the birth certificate.

Accused be produced on the date fixed.

Dictated and corrected by me,

Judge, Special Court
Diamond Harbour(South 24 Parganas)

Judge, Special Court
Diamond Harbour (South 24 Parganas)