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FORM – A

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE CUM DESIGNATED SPECIAL COURT UNDER POCSO ACT, ISLAMPUR, UTTAR DINAJPUR. PRESENT: SRI PLABAN MUKHERJEE Additional Sessions Judge, Cum Special Court under POCSO Act, Islampur, Uttar Dinajpur Date of delivery of judgment - <u>17th day of June, 2026</u> <u>Case No: POCSO Case No. 25 of 2021</u> <u>TR. No. 31 of 2025</u> <u>[Arising out of Goalpokher P.S. Case No. 117/ 2021 dated</u> <u>05.05.2021]</u>	
CNR Number : WBUD05-000770-2021 [J.O. Code- WB01427]	
Complainant :	State of West Bengal
Represented by :	Ld. Spl. P.P. Mukhtar Ahmed
Accused person:	1. Bishal Das 2. Bikki Das 3. Bablu Das @ Brajaraj Das 4. Raju Das
Represented by :	Ld. Advocate – Manjhar Hussain

FORM – B

Date of Offence	03/05/2021
Date of FIR	05/05/2021
Date of Charge-sheet	31/05/2022
Date of Framing of Charges	21/07/2025
Date of commencement of Evidence	10/11/2025
Date on which Judgment is reserved	17/06/2026
Date of the Judgment	17/06/2026
Date of the Sentencing Order, if any	N.A.

ACCUSED DETAILS:-

Rank of the Accused	Name of Accused	Date of Arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
1.	Bishal Das	Surrendered on 08.02.2022	11.04.2022	Sec. 363/ 365 of IPC & Sec. 6 of POCSO Act	Acquitted	N.A.	N.A.
2.	Bikki Das	Surrendered on 25.05.2021	25.05.2021	Do	Acquitted	N.A.	N.A.
3.	Bablu Das @ Brajaraj Das	Surrendered on 09.02.2024	09.02.2024	Do	Acquitted	N.A.	N.A.
4.	Raju Das	Surrendered on 09.02.2024	09.02.2024	Do	Acquitted	N.A.	N.A.

FORM – C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHERS WITNESS)
P.W. 1	The Father of the victim girl	De-facto complainant
P.W. 2	The Mother of the victim girl	The Mother of the victim girl
P.W. 3	The victim girl	The V.G.
P.W. 4	Ganesh Chouhan	Other Witness

B. Defence Witnesses, if any: NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHERS WITNESS)
D.W.		

C. Court Witnesses, if any: NIL

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHERS WITNESS)
C.W.		

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution:

Sl. No.	Exhibit Number	Description
1.	Exbt. P-1	The Written Complaint
2.	Exbt. P-2	Signatures of P.W. 2 on the seizure list dated 10.06.2021
3.	Exbt. P - 2/1	The seizure list dated 10.06.2021
4.	Exbt. P - 3	Statement of the V.G. recorded u/s 164 Cr.P.C.
5.	Exbt. P - 4	Signature of P.W. 3 on the medical report.
6.	Exbt. P - 4/1	Medical Report of the V.G. dated 02.06.2021
7.	Exbt. P - 5	Rough Sketch Map with Index dated 05.05.2021
8.	Exbt. P - 6	Rough Sketch Map with Index dated 02.06.2021
9.	Exbt. P - 7	Seizure List dated 02.06.2021
10.	Exbt. P - 8	Medical Report dated 14.02.2022
11.	Exbt. P - 9	Formal FIR

B. Defence: NIL

Sl. No.	Exhibit Number	Description

C. Court Exhibits: NIL

Sl. No.	Exhibit Number	Description

D. Material Objects: NIL

Sl. No.	Material Object Number	Description

J U D G M E N T

1. The four accused persons, namely, Bishal Das, Bikki Das, Bablu Das @ Brajaraj Das and Raju Das stood the trial to answer the charge under section 363/ 365 of the Indian Penal Code, 1860 (hereinafter referred to as ‘the I.P.C.’) and section 6 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as ‘the Pocso Act’).

2. The case of the prosecution may be epitomized as follows:-

That in the instant case the wheel of criminal law was set in motion on the written complaint filed by the father of the victim girl at Panjipara Out Post within Goalpokher Police Station alleging, inter alia, that on 03.05.2021 at about 05.00 p.m. his minor daughter went to Panjipara for purchasing some clothes, but she did not return even after lapse of considerable time. After thorough search the victim girl could not be traced and later the de-facto informant came to know from others that the victim girl was kidnapped by the accused persons from Panjipara Market and confined her in some secret place. Accordingly, the father of the victim girl being apprehensive lodged a complaint seeking necessary action.

3. On the basis of the said written complaint, Goalpokher Police Station Case No. 117 of 2021 dated 05/05/2021 under section 363/ 365 of the I.P.C. was started against the five accused persons, namely, Bishal Das, Bikki Das, Gita Rani Das, Parimal Das, Malati Das and the then Officer-in-charge of Goalpokher Police Station entrusted the case to P.S.I. Robiul Alam for investigation.

4. The investigation culminated into filing of charge sheet against altogether nine accused persons, namely, Bishal Das, Bikki Das, Gita Rani Das, Parimal Das, Malati Das, Bablu Das, Raju Das, Pramod Das and Murli Das under section 363/ 365/ 34 of the I.P.C. and under Section 6 of the POCSO Act on the strength of Goalpokher P.S. Charge Sheet No. 175/ 2022 dated 31/05/2022. Accordingly, cognizance of offence was taken by this Court under section 190(1)(b) of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.,'), read with section 33(1) of the POCSO Act on the basis of the police report on 14.07.202. Here it is apt to mention that at the time of taking cognizance this Court discharged five charge sheeted accused persons, namely, Gita Rani Das, Parimal Das, Malati Das, Pramod Das and Murli Das as there were no sufficient material for framing charge. Accordingly, copies of the papers referred to in Section 173 of Cr.P.C. were supplied to the rest four accused persons in compliance with the mandate under section - 207 of Cr.P.C.

5. This Court on 21/07/2025 framed charge against the four accused persons, namely, Bishal Das, Bikki Das, Bablu Das and Raju Das under section 363/ 365/ 34 of the I.P.C. and under section 6 of the POCSO Act. Charge was read over and explained to the accused persons, to which they pleaded not guilty and claimed to be tried. Accordingly, the trial of the accused persons has begun as per provisions of chapter XVIII of the Cr.P.C. read with the relevant provisions of the POCSO Act.

6. During trial, the prosecution produced and examined as many as four witnesses out of eleven cited witnesses in the Charge Sheet. Apart from that the prosecution also relied upon some documentary evidences.

7. **POINTS FOR DETERMINATION**

- a) Whether the accused persons kidnapped the victim girl and committed aggravated penetrative sexual assault upon the victim girl?
- b) Whether the prosecution has been able to prove the charges against the accused person beyond all shades of reasonable doubt?

DECISION WITH REASONS

8. All the points are taken up together for the sake of convenience and to avoid unnecessary repetitions. After going through the case record, evidence of witnesses, exhibited documents and hearing argument of both sides, it becomes essential to assess and scan the evidence on record at first to separate the chaff from the grain.

9. Charges were framed against the accused persons under section 363/ 365/ 34 of the I.P.C. and section 6 of the POCSO Act. Upon scrutiny of the charge sheet and the written complaint it appears that basically the accused person is alleged to have committed an offence under section 6 of the POCSO Act within the meaning of section 5(l) of the POCSO Act.

Now we are to see how far the prosecution has been able to prove the requirements of the offences with the accused persons were charged with.

10. Now, it is necessary to decide that how far the prosecution has been able to establish the facts as alleged. In the present case the wheels of criminal law started rolling on the written complaint filed by the father of the victim girl resulting in initiation of Goalpokher P.S. Case no. 117 of 2021 dated 05/05/2021. The de-facto informant being P.W. 1 went on deposing that in the year 2021, one day his daughter went to Panjipara Market for the purpose of purchasing some clothes, but on that day even after the end of the day his daughter did not return. P.W. 1 further deposed that despite their thorough search they could not trace out the victim girl and thereafter he lodged a complaint being sceptical. P.W. 1 further deposed that on 06.05.2021 police recovered his daughter from Panjipara Bus Stand and after her return at home on being asked, the victim girl disclosed that she went to the house of her friend without informing them. The mother of the victim girl being P.W. 2 deposed in the same line with P.W. 1. P.W. 2 fully corroborated the testimony of P.W. 1 with material particulars. Now, the victim girl was examined as P.W. 3 who also did not disclose anything substantiating the charges against the accused persons. The victim girl deposed that at about 4 years ago on the day of the incident she went to Panjipara Market for purchasing some clothes wherefrom she went to the house of one of her friends without informing her parents and she returned from the house of her friend after three days. P.W. 3 further deposed that police recovered her from Panjipara Bus Stand. The written complaint of the de-facto informant and the statement of the victim girl recorded under section 164 Cr.P.C. were admitted into evidence, but both the de-facto informant and the victim girl divulged during their cross-examination that they could not recollect the content of their written complaint or the statement recorded under section 164 of the Cr.P.C. Another witness was examined by the learned Spl. Public Prosecutor being P.W. 4, but he has also failed to bring on record any material for bringing home the charges levelled against the accused persons.

11. It is apposite to note here that it is the victim girl who is the best witness to depose about the incident which she had to face due to immoral act of the accused persons. It is no more *res integra* that a statement of a witness recorded under section 164 of the Cr.P.C. is not a substantive piece of evidence and it can be used only for the purpose of corroboration and contradiction. In the present case the victim girl being P.W.

3 did not disclose anything which would help this Court to draw any adverse inference against the accused persons. Neither the de-facto informant nor the victim girl have disclosed anything suggesting any incriminating materials against the sole accused person. Accordingly, this Court does not find any incriminating materials justifying examination of the accused persons under section 313 of the Cr.P.C.

12. Thus, giving due consideration to the whole materials on record and cumulative effect of the above discussion, I am of the considered view that the prosecution has not been able to prove the charges levelled against the accused person beyond all shades of reasonable doubt and resultantly the prosecution has failed to bring home the charge levelled against the accused persons and this is a fit case to acquit the accused persons under 232 of the Cr.P.C.

13. In short, the case of the prosecution fails.

14. At this juncture, it would be apt to mention here that neither the victim girl nor the de-facto informant being her father or the mother of the victim girl could either substantiate the contention of the written complaint or justify the charge levelled against the accused persons in course of trial, which would impel this Court to consider the aspect of granting compensation to the victim girl on account of her physical and mental trauma in view of the provisions as engrafted in sub section (8) of section 33 of the POCSO Act read with rule 9 of the Protection of Children from Sexual Offences Rules, 2020. Accordingly, this Court is of the considered view that the victim girl is not entitled to get any compensation in this case.

15. Hence, it is -

ORDERED

that the accused persons, namely, Bishal Das, Bikki Das, Bablu Das @ Brajaraj Das and Raju Das are found not guilty of the charge under section – 363/ 365/ 34 of the Indian Penal Code, 1860 and under section - 6 of the Protection of Children from Sexual Offences Act, 2012 and accordingly the accused persons are hereby acquitted from their respective charge under section – 363/ 365/ 34 of the I.P.C. and section - 6 of the POCSO Act in terms of Section - 232 of the Code of Criminal Procedure.

All the four accused persons be set at liberty at once.

All the four accused persons will remain on the existing bail bond for six months from this day in compliance of the provisions of Section- 437A of the Code of Criminal Procedure.

The Seized articles, if any, i.e. the Birth Certificate of the victim girl be returned, if not already done, to the victim girl as per existing rules after expiry of the statutory period of appeal.

The victim girl is not entitled to get any compensation in view of the discussions made in the body of this judgment.

Note in the relevant register.

Upload in the C.I.S.

In compliance to the Order of the Hon'ble High Court dated 29.03.2022 in C.R.A being No. 266 of 2020 with C.R.A.N. 01 of 2020, let a copy of this Judgment be sent to the District Magistrate, Uttar Dinajpur and Ld. Secretary, D.L.S.A., Uttar Dinajpur at Raiganj to their official e-mails for their information and due compliance in terms of aforementioned Order of the Hon'ble High Court.

The de-facto Complainant, although is not present today, has right to prefer an appeal under Section 372 of the Cr.P.C. and, if necessary, he can avail free legal assistance through the legal services authorities concerned to prefer and prosecute such appeal.

Dictated & Corrected by me.

(PLABAN MUKHERJEE)
Additional Sessions Judge,
cum Special court (POCSO Act)
Islampur, Uttar Dinajpur,

(PLABAN MUKHERJEE)
Additional Sessions Judge
cum Special court (POCSO Act)
Islampur dt 17.06.2026