

17.11.2022
Court No.13
Item No.22
AP

WPA 25177 of 2022

X

Vs.

State of West Bengal and Ors.

Mr. Nazir Ahmed

...For the petitioner.

Mr. Amitesh Banerjee

Ms. Ipsita Banerjee

...For the State.

The writ petitioner is a victim of a POCSO case. Charge sheet has been filed and the matter is pending before the learned Sessions Court for consideration of charge.

In the meantime, the accused persons had filed an application for discharge on the ground that the documents seized were photocopies and not originals. Such application has been rejected.

The petitioner's father has applied before the Investigating Officer of the Shyampukur Police Station for seizure and retrieval of the originals of the photocopies. The documents are inter alia the birth certificate of the victim.

Since the evidence in question is vital for proving the charges, the investigating officer shall be entitled to raid the premises in question and seize all original documents necessary for the purpose of the trial in respect of CS No.125 of 2020 dated 19th October 2020 and produce the same before the learned Sessions Court.

The petitioner's father shall accompany the investigating officer in course of raid as directed hereinabove to identify and locate the documents in question.

This Court is conscious of the fact that under normal circumstances the Public Prosecutor is required to apply before the Sessions Judge under Section 311 of the Code of Criminal Procedure. However, given the fact that the charges under the POCSO Act, which is required to be completed in a statutory time frame, this Court in exercise of the power under Section 226 of the Constitution, directs as hereinabove.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)