

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 2574 of 2022

**Ms. S. representing her victim daughter
Vs.
The State of West Bengal**

Ms. Joanna Serin Sarkar
..for the petitioner

Mr. Avishek Sinha
..for the State

Item No.15

Heard & Judgment on: 17.04.2023

Bibek Chaudhuri, J.

An order dated 27th January, 2022 passed by the learned Additional Sessions Judge, 2nd Court at Alipore in Special S.T. No. 09(01) of 2022 arising out of special POCSO Case No. 130 of 2019 is

under challenge in the instant revision at the instance of the de facto complainant.

Vide order dated 27th January, 2022 the trial Judge framed charge against two accused persons under Sections 363/366A/120B of the Indian Penal Code, Sections 4/17 of the POCSO Act and Sections 3/4/5 of the Immoral Trafficking (Prevention) Act.

It is submitted by the learned advocate for the petitioner that charge was framed against the accused persons before supplying the copies of documents under Section 207 of the Code of Criminal Procedure which the de facto complainant is entitled to get under the provision of Section 25(2) of the POCSO Act.

Sub-section (2) of Section 25 of the POCSO Act provides:-

“(2) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under Section 207 of the Code, upon the final report being filed by the police under Section 173 of that Code.”

Therefore, it is the duty of the learned Magistrate to ensure supply of copies of the documents under Section 207 of the Code to the child or his parents or his representative.

It is contended by the learned advocate for the petitioner that the petitioner being the de facto complainant and mother of the victim is entitled to get copies of documents under Section 207 of the Code

of Criminal Procedure before the charge is framed against the accused persons.

This Court is of the view that the instant revision can be disposed of here and now with the assistance of the learned Advocate for the State.

Therefore, Mr. Avishek Sinha is requested to assist this Court on behalf of the State of West Bengal. Appointment of Mr. Sinha be regularized by the learned Public Prosecutor, High Court, Calcutta.

Learned P.P.-in-charge concedes that the victim and his parents or representative is entitled to receive copies of documents under Section 207 of the Code. It is also submitted by him that when the accused persons are facing trial for all the heads of the charge, before commencement of trial, the learned trial Judge may be directed to comply with the provisions of Section 25(2) of the POCSO Act and ensure that the de facto complainant may get the copies of the documents.

In view of such submission, the instant revision is disposed of directing the learned trial Judge to supply copies of documents to the petitioner before commencement of trial.

Learned trial Judge is also directed to ensure production of victim girl along with her mother being escorted by a lady police officer for the purpose of giving evidence and that she shall not be exposed any way before the accused persons.

(Bibek Chaudhuri, J.)