

29.01.2024
Item No.124
Ct.No.34
dc.

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

C.R.R. 1400 of 2022

In the matter of : **Mehedi Hasan Molla** ... Petitioner.

Mr. Arindam Jana,
Mr. Soumajit Chatterjee,
Mr. Arhan Sengupta,
Mr. Partha Pratim Sinha ... For the Petitioner.

Mrs. Anasuya Sinha,
Ms. Eshita Dutta ... For the State.

Mr. Tirthankar Dhali Chatteraj ... For the Opposite Party No.2.

The present revisional application has been preferred challenging the order dated 03.03.2022 passed in Special ST No. 01(03)2022 which is pending before the learned Additional Sessions Judge, 2nd Court, Alipore cum Judge, Special Court under POCSO Act.

The endeavour of the present petitioner was that since the lady was major when the complaint was filed, the provisions of POCSO Act could not have been invoked. It has been informed that during the pendency of the present revisional application, the evidence of the victim has already been recorded by the learned Special Court. Learned Special Court would assess by scrutinizing the oral evidence as well as the documentary evidence available on records as to whether victim was major and whether the provisions of the POCSO Act would be applicable in the facts and circumstances of the case.

If the learned court is of the opinion that pursuant to the evidence deposed by the victim, the provisions of the POCSO Act are applicable, the learned Special Court would

continue with the case, in the alternative, the learned Special Court would drop the POCSO charges and continue with the proceedings as if it is a sessions triable offence.

With the aforesaid observations, the revisional application being CRR 1400 of 2022 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)