

CRR 1735 of 2019

**Sk. Golam Jilani & Ors.
Vs.
The State of West Bengal & Anr.**

For the Petitioners : Ms. Devi Priya Mitra.

For the State : Ms. Anasuya Sinha.

For the Opposite Party No. 2 : None.

1. The present revisional application has been preferred praying for quashing of the proceeding being Special Case No. 66 of 2018 arising out of Bagnan P.S. Case No. 270 of 2018 dated 15.07.2018 under Sections 341/323/325/34 of the Indian Penal Code read with Section 12 of the POCSO Act.
2. At the time of hearing, the learned counsel for the petitioner has “not pressed” the prayer for quashing and has challenged the order dated 15.06.2019 passed by the learned Trial Court wherein the learned Trial Court had directed the addition of Section 8 of the POCSO Act, 2012 against the accused.
3. It is submitted that, charge-sheet had only been filed under Sections 341/323/325/34 of the Indian Penal Code. It is submitted by the learned counsel for the petitioner that the contents of the FIR do not make out a prima facie case under Section 8 of the POCSO Act and, as such, the said

order under revision being not in accordance with law, is liable to be set aside.

4. Learned counsel for the State is heard and has placed the case diary placing the relevant materials in the case dairy to show prima facie case being made out under Section 8 of the POCSO Act, 2012. Admittedly, the victim in the present case is a minor as seen from the copy of the birth certificate appearing at page 38 of the case diary which shows that the **date of birth of the victim is 19.02.2003** and the **incident in the present case occurred on 27.05.2018.**
5. It is further seen from the contents of the FIR, that the accused allegedly hugged the victim and from the statement of the victim made before the learned Magistrate under Section 164 Cr.P.C. wherein she has stated that the accused at that time had also improperly touched the victim, which thus prima facie makes out a case having the ingredients of Section 7 of the POCSO Act, 2012 punishable under Section 8 of the POCSO Act.
6. Accordingly, this Court finds that the order under revision is in accordance with law and requires no interference by this Court at this stage and thus affirmed.
7. **The present revisional application is accordingly dismissed.**
8. The Trial Court shall dispose of the case as expeditiously as possible.
9. All connected applications, if any, stand disposed of.
10. Interim order, if any, stands vacated.

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

(Shampa Dutt (Paul), J.)