

16.12.2025
Court No.42
Item No. 76

sg/Aloke

CRR 2644 of 2025

XXX

Vs.

The State of West Bengal & Ors.

Mr. Arkadyuti Pahari
Ms. Gargi Maity
Mr. Alik Mandi

For the petitioner

Mr. Rajdeep Mazumder, Sr. Adv.
Mr. Pritam Roy
Ms. Triparna Roy

For the O.P. 2

Mr. Suman De
Mr. Sujan Chatterjee

For the State

1. The present petition is being filed challenging the order dated 5th may, 2025 passed by the learned Judge, Special Court, POCSO Act, Contai, Purba Medinipur. By the said order the learned Judge had rejected the plea of the petitioner/complainant to place the video clip containing some private moments of the victim girl on record. The contention raised was that on earlier also, the victim girl had tried to hand over the said video clip to the Investigating Officer. However, the Investigating Officer did not accept the same and made it a part of record. The petitioner in the present case is the mother of the victim girl.
2. The plea taken was that the said video clip may be taken on evidence in the present case. The plea was rejected by the learned Sessions Judge by the detailed order, inter alia, holding that on earlier occasions, at the time of investigation/cognizance/charge, such evidence was not produced and,

therefore, at this stage, when the evidence of the victim girl had already been recorded, the video clip cannot be taken on evidence.

3. Aggrieved by this, the informant/mother of the victim has filed this petition.
4. The learned Counsel for the petitioner submits that the video clip containing some obscene clips of the victim girl and the accused is necessary for the purpose of adjudication/trial of the present case. The learned Counsel further submits that the Investigating Officer in this case has not conducted the investigation in a fair and impartial manner. It has further been submitted that if this video clip is not taken on record, the informant shall be seriously prejudiced.
5. The learned counsel for the State has opposed the submission and submits that earlier on various occasions, the Investigating Officer demanded the said video clip but the informant/mother of the victim never handed over the same. The learned Counsel for the State further submits that, in fact, the complainant party did not cooperate with the investigation.
6. The learned Senior Counsel for the private opposite party submits that it is only a delaying tactics being adopted by the informant/mother of the alleged victim. The learned Senior Counsel submits that if such video clip is taken on record at this stage, it will seriously prejudice the defendants. It has further been submitted that the order of the learned Sessions Judge is quite a detailed and reasoned one and there is no reason to interfere with the same.
7. This Court has considered the submissions. It is a cardinal principle of criminal justice system that party should be given all the opportunities to produce the admissible evidence during the course of trial. The ultimate purpose of any trial is to reach to the justice and for this purpose, procedure cannot be allowed to come into the way. It is correct that the observations have come on the record that complainant/mother of the victim had not

cooperated with the investigation during the course of investigation. However, if now, the complainant/mother of the victim/informant wants to place some documents, the door should not be shut to her. If such video clip is found to be genuine and authenticate, that may prove to a vital piece of evidence.

8. Thus, in the ends of natural justice, it is directed that the video clip be handed over Officer-in-Charge of the Contai Women Police Station. The Officer-in-Charge of Contain Women Police Station on 23rd December, 2025 at 10:30 AM. The Officer-in-Charge, Contain Women Police Station shall seize the same in accordance with law and shall send the same to the FSL for examining its genuineness and authenticity.
9. The Officer-in-Charge, Contai Women Police Station shall make all endeavours to get the examination conducted expeditiously and file the report before the learned Trial Court. However, during this period, the trial shall continue. The learned trial Court may, after receipt of the report, decide for recalling of re-examination of witness, if any required, in accordance with law.
10. With these observations, CRR 2644 of 2025 is accordingly disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Dinesh Kumar Sharma, J.)