

D/L 19
02.09.2025
Bpg.
ct.no.35

W.P.A.19393 of 2025

**Riduwanul Hoque @ Md. Ridwanul Haque
Versus
The State of West Bengal & ors.**

Mr. Md. Bani Israil
Mr. Syed Md. Sayad.
...for the petitioner.

Mr. Sirsanyan Bandopadhyay
Mr. Vivekananda Bose
Mr. Debopriyo Karan.
...for the State-respondents.

Mr. Biplab Mitra
Mr. Indranil Nandi
Mr. Sayak Konar.
...for the respondent no.8.

Affidavit-of-service filed by the petitioner be
kept with the record.

Petitioner has challenged the charge-sheet
which has been submitted in connection with Lalgola
P.S. Case No.143 of 2024 dated 26.02.2024. In the
said case, I find charge-sheet has been submitted
under the relevant provisions of the Indian Penal
Code as well as the POCSO Act. Petitioner intends to
justify the circumstances under which the statement
under Section 164 of Cr.P.C. of the victim girl was
recorded.

The petitioner before this Court is named in
the statement under Section 164 of the Cr.P.C.

Admittedly, the victim girl was a minor as per the charge-sheet where the document has been referred to which speaks that the original birth certificate of the victim girl has been seized by the investigating officer.

Having considered that the provisions of the POCSO Act incorporates specific provision relating to presumptions and that the consent of a minor is not a consent in the eye of law even if the contentions of the petitioner at this stage is taken to be correct, this Court cannot interfere at the midst of a proceeding under the provisions of the POCSO Act when a charge-sheet has been submitted and there is corroboration in respect of the allegations made by the complainant as also the statement of the victim girl before the Judicial Magistrate.

Having regard to the materials already appearing in the case records, I am not inclined at this stage to refer to the documents relied upon by the petitioner which is not permissible under the provisions of law.

In view of the observations made above, interference is unwarranted so far as the prayers which are advanced.

Accordingly, WPA 19393 of 2025 is dismissed.

There will 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.

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

(Tirthankar Ghosh, J.)