

In The High Court at Calcutta
Criminal Revisional Jurisdiction
Appellate Side

Coram:

The Hon'ble Justice Jay Sengupta

CRR 3924 of 2025
State of West Bengal
Vs.
XXX & Anr.

For the petitioner : Mr. Sabyasachi Banerjee, Sr. Adv.

Ms. Diksha Ghosh

Heard on : 02.09.2025

Judgment on : 02.09.2025

Jay Sengupta, J.:- Learned senior counsel appearing on behalf of the petitioner/State submits as follows. Certain materials for which forensic examination was seized as 'alamat' in the instant case. The Investigating Officer prayed for permission of the Court to send the articles for Forensic Tests. The materials which were required to be sent are of vital nature and without undertaking such tests, a proper decision cannot be arrived at in a case involving the charges under the POCSO Act. In spite of that, the learned Additional Sessions Judge, 2nd Court, Purulia-cum-Special Judge found the prayer to be vague and undefined and rejected the same with a

cost of Rs.5000/- to be paid towards the fund of DLSA, Purulia by the I.C, Joypur and a cost of Rs.1000/- to be paid by the S.I. to the fund of DLSA, Purulia.

Considering the exigency and the fact that the matter pertains to investigation, no prejudice will be caused to either the victim or to the accused if the matter is decided without issuing notice to them.

Upon perusal of the application of the Investigating Officer and the order impugned, I do not find any vagueness or lack of definition in the prayers made by the Investigating Officer in seeking permission of the Court for sending those valuable items for Forensic Tests.

I do not find any logic or reason behind refusal of the prayer to send the materials for Forensic Test, or for that matter, in imposing costs upon the I.C and the I.O of the case. Such an order could irreparably harm and prejudice the interest of justice.

Furthermore, some of the materials seized that are required to be sent are subject to degeneration and contamination in the event they are not stored properly. Therefore, without wasting any more time, these materials need to be sent to the Forensic Experts for undertaking necessary tests.

In view of the above, the impugned order is quashed and set aside and the Investigating Agency's application for sending the articles for Forensic Tests is allowed.

Let the reports of the Forensic Tests be collected at the earliest.

With the above observations and directions, the revisional application is disposed of.

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

(Jay Sengupta, J.)