

July 4, 2025
Ap (76)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR 283 of 2024

Safat Rana
Vs.
The State of West Bengal & Anr.

Adv. Arnab Saha,
Adv. Aditi Shankar Chakraborty
Adv. Ujjwal Luksom
...for the petitioner.
... for the State.

Affidavit of service filed by the petitioner is taken on record.

The victim is not represented despite service.

The petitioner is aggrieved by the order passed by the learned Special Judge under the POCSO Act, Darjeeling on 25th July, 2024 in Special Case no. 4 of 2024 turning down the prayer of the petitioner under section 227 of the Code of Criminal Procedure.

Learned counsel for the petitioner submits that the victim has exonerated the petitioner in her statement under section 164 of the Code of Criminal Procedure. Her statement is also contradictory to her statement recorded under section 161 of the Code. Charge sheet has been submitted.

Learned counsel for the State opposes the prayer.

I have perused the material on record. Though charge sheet has been submitted against the petitioner under section 363/365 of the Indian Penal Code and section 4 of the POCSO Act, the statement of the victim girl recorded under section 164 of the Code of Criminal Procedure does not implicate the petitioner in the alleged offence.

Also, the victim girl has changed stance in her statement recorded under section 161/164 of the Code. No incriminating material has transpired against the petitioner in course of investigation.

In view of the above, this Court is inclined to hold that the petitioner should not be made to suffer the ordeal of trial in absence of an iota of evidence against him. Allowing the proceedings to continue shall amount to abuse of the process of the Court.

Accordingly, the revisional application being CRR 283 of 2024 is allowed.

The order impugned dated 25th July, 2024 passed by the learned Special Judge under the POCSO Act, 2nd Court, Darjeeling in Special (C) 04/2024 be set aside/quashed.

The petitioner be discharged from the case.

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

(Suvra Ghosh, J.)