

02.01.2025

Item No.16

Ct.No.2

dc.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 370 of 2024

In the matter of : **Matiar Rahaman** ... Petitioner.

Mr. Surajit Basu,
Mr. Debjit Kundu,
Mr. Shubhankar Dutta ... For the Petitioner.

Mr. A. S. Chakraborty, APP,
Mr. Sourav Ganguly ... For the State.

Petitioner has challenged the charges which have been framed by the learned Judge, Special Court (POCSO)-cum-Additional District & Sessions Judge, Dinhata, Cooch Behar in connection with POCSO Case No. 15 of 2022 wherein the learned court was pleased to frame charges under Sections 363/365 of the Indian Penal Code as also under Section 6 of the POCSO Act, against the present petitioner.

On an assessment of the contentions so advanced both regarding the merits of the FIR and the materials collected by the investigating agency and the counter arguments placed on behalf of the petitioner challenging the date of birth as also the period for which the victim was silent, I am of the opinion that the same are question of facts which should be gone into at the stage of trial. Learned trial court has by cogent reasons on relying upon definite materials, considered and framed the charges. The appreciation of material facts at the stage of charges is completely different from appreciation of evidence at the stage of final arguments of the case. At this

stage what the court ought to do is to see whether there is some suspicion or grave suspicion. In case the court is of the opinion that there is a grave suspicion, the court is entitled to frame charges, obviously the accused/petitioner would be at liberty to test the veracity of the factual aspects in course of trial.

Having considered the settled proposition of law and the reasons so assigned by the learned Special Court, at this stage I do not think that this is a fit case for interference. The petitioner would be at liberty to canvass the issues in course of the trial and during the final arguments of the case.

With the aforesaid observations, the revisional application being CRR 370 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)