

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

Before:

The Hon'ble Mr. Justice Jay Sengupta

C.R.R. 69 of 2026

Pritam Roy
Vs.
The State of West Bengal

For the Petitioner : Mr. Sanjay Mazoomder

Last heard on : 18.03.2026

Judgement delivered on : 18.03.2026

Jay Sengupta, J. :

This is an application for quashing of a proceeding being Kotwali Women's Police Station Case No.61 of 2025 dated 04.05.2025 in which a charge-sheet was submitted under Sections 117(2), 303(2), 329(4), 351(2) of the BNS, 2023 and Section 18 of the POCSO Act, 2012.

Learned counsel for the petitioner submits that first, there is no material to indicate that the victim was minor at the time of occurrence. No birth certificate was seized. Secondly, in a statement before the learned Magistrate, the victim has mentioned the assailant as a relative and has not taken the name specifically. Even otherwise, no prima facie case is made out against the petitioner as would be evident from plain reading of the FIR and the charge-sheet.

It appears from the FIR lodged by the mother of the minor victim girl that it was the present petitioner who had committed the alleged offence. It was in this context that the 16 year old victim girl was examined by the learned Magistrate. She stated and explained the acts committed by the present petitioner in a detailed manner.

The charge-sheet also indicates that the original birth certificate of the alleged victim was seized during investigation, which showed that the victim was a minor.

From the statements of witnesses including that of the victim as annexed in the FIR, the injury report and the charge-sheet, a prima facie case is clearly made out.

Therefore, I do not find any merit in the application for quashing of the proceeding.

Accordingly, the revisional application is dismissed, however, without any order as to costs.

The petitioner shall, however, be at liberty to take up all the points available to him before the learned trial court at the appropriate stage.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)