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15.09.2026
Court No.11
KCP

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION

CRA (DB) 267 of 2026
with
CRAN 1 of 2026

Sahil Laskar @ Sahil Karim Laskar
-versus-
The State of West Bengal & Anr.

Mr. Jaydeep Biswas
Mr. Ashok Das
Mr. Sourav Mukherjee
Mr. Koushik Ghosh
Mr. Gourav Roy
.....for the Appellant

Mr. Gouranga Kumar Das, Ld. APP
Mr. Amal Kumar Datta
Mr. Avishak Bhandari
.....for the State

Mr. S. C. Shrivastava
Ms. Sushmita Das
.....for the Opposite Party No.2

The appellant in CRA (DB) 267 of 2026 has filed the present application being CRAN 1 of 2026 for suspension of sentence imposed by the learned Trial Court that has convicted him for the offence punishable u/s 4 of the Protection of Children from Sexual Offences Act, 2012 (in short, POCSO, Act) and u/s 9 of Prohibition of Child Marriage Act. The learned Trial Court has imposed a punishment of rigorous imprisonment for 10 years and fine of Rs.10,000/-, in default, to suffer simple imprisonment for one year for the offence u/s 4 of the POCSO, Act and a punishment of rigorous

imprisonment for 1 year for the offence u/s 9 of Prohibition of Child Marriage Act.

Mr. Biswas, learned advocate appearing for the appellant/applicant argues that the learned Trial Court discussed the evidence in a very slip-shod and casual manner. The conviction would not stand on the basis of the evidence on record. The learned Trial Court ought to have appreciated that initially there was no charge u/s 4 of the POCSO Act or u/s 9 of the Prohibition of Child Marriage Act. The impugned judgment was delivered without also noting the change in stance of the victim at the time of trial after recording her statement u/s 164 of Criminal Procedure Code.

He further submits that on the date the appellant surrendered before the learned Trial Court, he was enlarged on bail. The appellant has not misused such liberty. There is also no possibility towards early disposal of the present appeal and in view thereof, the appellant's sentence may be suspended.

Drawing our attention to the provisions of Section 216 of the Code of Criminal Procedure, 1973, Mr. Biswas contends that for alteration or addition of charge, as had occurred in the present case, it was incumbent upon the learned Trial Court to direct a new trial. In the said conspectus, as an arguable case has been made out, the sentence may be suspended on any stringent condition. Reliance has been placed upon the judgment delivered in the case of *Darshan Singh –vs- State of Punjab*, reported in *(2024) 3 SCC 164*.

Mr. Das, learned Additional Public Prosecutor assisted by Mr. Datta, learned advocate appearing for the State denies and disputes the contention of Mr. Biswas and submits that consent of a minor is legally invalid and immaterial. Such consent cannot be treated as a mitigating circumstance. The culpability of the appellant has been established on the basis of the material evidence and there is no infirmity in the judgment impugned.

Ms. Das, learned advocate appearing for the victim submits that upon being enlarged on bail, the appellant had repeatedly threatened the family members of the victim.

Heard the learned advocates appearing for the respective parties.

We have assessed the quality of evidence on record and examined the contents of the judgment in the light of the material findings. *Prima facie,* the judgment impugned does not suffer from any patent infirmity. Having regard to the severity of the offence and the strength of the prosecution case, we are not inclined to exercise discretion in favour of the appellant.

The application being CRAN 1 of 2026 is, accordingly, dismissed.

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

(Rishad Medora, J.) **(Tapabrata Chakraborty, J.)**