

## News

Bombay High Court seeks report from Sessions Court explaining reasons for delays in POCSO trials  
*The High Court noted in its order that the special courts designated to hear cases under the POCSO law were already under pressure as the pendency of cases is alarming.*



Bombay High Court, POCSO Act

Narsi Benwal

Published on : 7 Aug, 2022, 10:05 am.

3 min read

The Bombay High Court recently ordered the Principal District Judge, Mumbai Sessions Court to submit a report spelling out the causes for delay in the trial of cases under the Protection of Children from Sexual Offences Act (POCSO Act) [**Azaruddin Nihaluddin Mirsilkar @ Raju Sharma vs State of Maharashtra**].

Single-judge Justice **Bharati Dangre** also sought reasons why special courts under POCSO were failing to adhere to the provisions of the Act.

*"The Principal Judge shall submit further report and analyse causes for delay in concluding the POCSO cases and why concerned courts are unable to adhere to the mandate, provided under the special statute keeping in mind objective underlining the same being less inconvenient and humiliation to be faced by the victim and by ensuring speedy trial,"* the Court ordered.

The bench was seized of an application seeking bail on the ground of delay in the trial as the accused was arrested in 2016.

The order was passed after the Court considered an earlier report detailing the pendency of POCSO cases before the special courts in the city.

*"Looking to (sic) the pendency of the POCSO cases before the Courts, it can be said that the special courts are also under severe pressure of concluding the trials and therefore it is not uncommon as far as the present case lodged in 2016, is concerned, the trial is not yet concluded,"* the judge noted.

The Court was further informed that the case that it was dealing with was pending before a special court in Dindoshi, which has around 240 cases pending on its file.

It also noted the discrepancy in the distribution of POCSO cases among various special courts.

*"While going through the information supplied by the Principal Judge, the startling feature which is noticed by me is allotment of 1,228 cases with court room number 11 and 1,070 cases with court room number 12. In contrast, court room number 9 is shown to have 138 cases and court room number 10 is having 116 cases. The disparity in the distribution of cases is not understood. Therefore, the Principal Judge shall explain the same,"* Justice Dangre said in the order.

The judge further noted from the report that as on date, only two courts designated to hear POCSO cases, were lying vacant.

She, therefore, ordered the Principal Judge to apprise the Court about steps taken to fill up the vacant posts so that necessary directions could be issued for designated two courts for expeditious disposal of cases.

Further, the bench ordered the Principal Judge to furnish a data giving bifurcation of years from which these cases are pending so that the reasons for the delay could be ascertained and requisite directions could be issued for their disposal.

*"One of the reason appear to be delay in recording the statement of the victim as in the present case, statement of the victim came to be recorded after 8 years. Necessary directions are required to be issued to the Magistrates in connection with recording statement of victim immediately, as the delay at times, change the course of the trial,"* the Court said.

Specifically as regards the present case, the Court noted that till date, only two witnesses had been examined by the prosecution and over 10 are yet to enter the witness box.

Therefore, the Court directed the concerned special court at Dindoshi to dispose of the trial as expeditiously as possible and in any case not less than six months.

The matter will be listed again on August 29.

Advocates BB Tiwari, Azim Kazi and Aaisha F appeared for the Applicant.

Additional Public Prosecutor Rutuja Ambekar represented the State.