

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 4278 OF 2026
(@ SPECIAL LEAVE PETITION (CRIMINAL) NO. 13021/2026)**

APPELLANT(S)

VERSUS

THE STATE OF WEST BENGAL

RESPONDENT(S)

ORDER

1. Leave granted.

2. We have heard Dr. Arjun Chowdhary, learned counsel for the appellant and Mr. Nishant Awana, learned counsel for the respondent-State of West Bengal.

3. Appellant is aggrieved by order dated 27.04.2026 passed by the High Court at Calcutta, Circuit Bench at Jalpaiguri (briefly the 'High Court' hereinafter) in Criminal Revisional Jurisdiction Case No.56 of 2026, dismissing the revision application filed by the appellant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS')

(corresponding to Section 482 of the Code of Criminal Procedure, 1973), for quashing of Special Case No.83 of 2025 pending before the Special Court, Alipurduar.

4. It is stated that appellant has been named as an accused in FIR No.187/2025 registered at Police Station- Samuktala, District- Alipurduar, West Bengal under Section 10 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act'), which has since been registered as Special Case No.83 of 2025 and pending before the Special Court, Alipurduar.

5. This Court by order dated 27.07.2026 had issued notice and stayed further proceedings in Special Case No.83 of 2025 pending before the Special Court, Alipurduar, until further orders.

6. Learned counsel for the appellant submits that appellant is a teacher of the concerned school. On the basis of allegation made by 02 girl students, both under the age of 18 years, that the appellant used to beat them with his hands on their back and waist, if they could not do their lessons, the related police case was registered which has given rise to Special Case No.83 of 2025. Learned counsel

has drawn the attention of the Court to the statements made by the victim girls before the learned magistrate and which were recorded under Section 183 of the BNSS. He submits that from a reading of the aforesaid statements, it cannot be said that the appellant has committed an act which can remotely be suggested as an act of sexual assault. Therefore, prosecuting him under Section 10 of the POCSO Act is not only without any justification but is also an abuse of the process of law. In the circumstances, he seeks quashing of the proceedings against the appellant.

7. *Per contra*, learned counsel for the respondent-State of West Bengal has drawn the attention of the Court to the FIR and thereafter to the Counselling-cum-Enquiry Report and the First Information, wherefrom it can be deduced that there was sexual intent on the part of the appellant while dealing with the minor girl students. Culpability or otherwise of the appellant can only be gone into at the stage of trial. It will be premature to quash the proceedings at this stage. He submits that not only the 02 girl students but the lady teachers of the

school as well as the Headmaster had stated the same thing about the conduct of the appellant. In the circumstances, he submits that no case for quashing is made out and, therefore, the appeal may be dismissed.

8. Submissions made by learned counsel for the parties have received the due consideration of the Court. We have also carefully perused the impugned order of the High Court and other materials on record.

9. Appellant is a teacher in the Loknathpur High School at Alipurduar where he teaches Geography. A group of lady teachers informed the Headmaster of the school on 24.06.2025 that the appellant had physically touched some girl students of Class-X, who had made verbal complaint to them against the appellant. A meeting was called by the Headmaster on 25.06.2025, following which the District Child Protection Unit, Alipurduar was informed whereafter its representatives visited the school on 30.06.2025. Relevant portion of the Counselling-cum-Enquiry Report reads as follows:

"[REDACTED] and [REDACTED] told that during

the class time when they were inattentive in class, the teacher came and beaten them at their upper backside (pith). As per them teacher may beaten them for their betterment as a student but the way he touches them (i.e. touching their body parts like rubs their back (pith) pinching at waist) was not comfortable for them.

Girl students again said, last day they did not carry their geography maps, so the said teacher came again and gave slap to the children. After that his (teacher) nails touches [REDACTED]'s neck. Then [REDACTED] told to the teacher about his nail touches in her neck. After listening that the teacher tried to touch the neck of the child in an inappropriate manner, which was very uncomfortable to the said student.

Others three children namely (names redacted) told that the teacher namely Bhaskar Pal does not touches them. But the teacher looking at them very inappropriate manner and they felt uncomfortable."

10. Based on the aforesaid Counselling-cum-Enquiry Report, the Sub Inspector-cum-Officer in Charge of Samuktala police station suo moto registered FIR No.187/2025 on 23.07.2025. In addition to the allegations contained in the Counselling-cum-Enquiry Report, the informant additionally stated that it was a case of bad touch on the part of the appellant on

the girl students and that 03 of them had alleged that though the appellant did not touch them, he looked at them in an inappropriate manner, making them uncomfortable.

11. The said FIR was registered under Section 10 of the POCSO Act.

12. Before we refer to and analyze the relevant provisions of the POCSO Act, we may advert to the statements of the 02 victim girls recorded by the learned magistrate under Section 183 of the BNSS. After an assessment of the mental capacity and awareness of the 02 students, the learned magistrate asked the first student as to what she wanted to say. Her reply is as under:

Sir is a master in our school. He used to teach us geography. When we could not do our lessons, he used to beat us with his hand instead of stick. I and my two friends were in the class, when Bhaskar Sir asked us a question, we could not answer our lessons, he used to beat us with his hand instead of stick. I and my two friends were in the class, when Bhaskar Sir asked us a question, we could not answer that question. He then hit us on our back with his hand. Then he punched us in our waist."

13. Similarly, the learned magistrate after being satisfied about the mental maturity of the second student, recorded her statement in the following manner:

*is a teacher in our school.
He used to teach us geography. When we could not do our lessons, then he used to beat us with his hand instead of a stick. He used to hold our hands. Bhakar Sir held my hand. This time he did not do anything."*

14. Section 10 of the POCSO Act is as under:

"10. Punishment for aggravated sexual assault.— Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine."

15. It is evident that as per Section 10 of the POCSO Act, whoever commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than 05 years but which may extend to 07 years and shall also be liable to fine.

16. The expression of significance in Section 10 is 'aggravated sexual assault' which is a defined expression in terms of Section 9 of the POCSO Act.

Section 9(f) is relevant and the same reads thus:

"9. Aggravated Sexual Assault.—

(f) Whoever being on the management or staff of an educational institution or religious institution, commits sexual on a child in that institution, is said to commit aggravated sexual assault."

16.1. The expression to be noted in Section 9(f) is 'sexual assault', which again is defined in Section 7 of the POCSO Act, which reads as follows:

"7. Sexual assault.— Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault."

16.2. From the above, it is seen that whoever with sexual intent touches the specific parts of the anatomy mentioned in the said provision or does any other act with sexual intent, which involves physical contact without penetration, is said to commit sexual assault.

17. We have carefully read the statements of the 02 victim girls extracted *supra*. While the conduct of the appellant as a teacher may not be appropriate,

particularly resorting to corporal punishment and also showing lack of sensitivity while dealing with girl students, however from a careful reading of the statements of the two girl students, certainly it cannot be said that he has committed a sexual offence contemplated under Section 10 of the POCSO Act. When the 02 students were found inattentive in class and did not carry with them their Geography maps which were essential for the Geography class, appellant, as a responsible teacher, could have handled the situation in a much more sensitive manner, but as pointed out above, inadequacy on the part of the appellant or resorting to corporal punishment would not attract Section 10 of the POCSO Act.

18. For a teacher serving in a girls' school or a school which is co-educational, such an allegation or trial virtually amounts to condemning him, not only for his entire service career as a teacher but for his life as well. He has a family also. Therefore, to accuse a teacher of committing sexual assault on girl students, would be like a death knell for such a teacher. Ultimate acquittal would not redeem the appellant as it would be wholly inadequate to undo

all the pervasive damage already suffered by him due to the severity of the criminal trial under the POCSO Act. While the appellant certainly needs to sensitize himself while dealing with students of tender age, particularly girl students, it cannot be a ground for prosecuting him under the stringent provisions of the POCSO Act.

19. There are other reasons also for casting aspersions on the prosecution case, particularly the delay in lodging of the first information and the manner in which the Headmaster and the lady teachers had initiated the criminal proceedings against the appellant. After all, their statements are all hearsay evidence.

20. In the circumstances, we are of the view that allowing the related criminal prosecution to continue would be an abuse of the process of law and cause extreme prejudice to the appellant.

21. That being the position, the impugned order dated 27.04.2026 passed by the High Court is set aside.

22. Consequently, we quash the entire proceedings of Special Case No.83 of 2025 arising out Samuktala P.S.

Case No.187 of 2025 pending before the Special Court
at Alipurduar.

23. Accordingly, the Criminal Appeal is allowed. The
appellant is set at liberty. However, there shall be
no order as to costs.

24. Pending application(s), if any, shall stand
disposed of.

.....J.

[UJJAL BHUYAN]

.....J.

[ATUL S. CHANDURKAR]

NEW DELHI;
08th SEPTEMBER, 2026.
AK

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 13021/2026

[Arising out of impugned final judgment and order dated 27-04-2026 in CRR No. 56/2026 passed by the High Court of Calcutta Circuit Bench at Jalpaiguri]

BHASKAR PAUL

Petitioner(s)

VERSUS

THE STATE OF WEST BENGAL

Respondent(s)

FOR ADMISSION

(IA No. 206142/2026 - EXEMPTION FROM FILING O.T.)

Date : 08-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s): Dr. Arjun Chowdhary, Adv.
Mr. Uday Sanakr Sarkar, Adv.
Mr. Junaaid Ali Khan, Adv.
Mr. Ahmed Nabeel Rizvi, Adv.
Mr. Suneet Singh, Adv.
Mr. Abdul Mannan, Adv.
Mr. Yasser Wali, Adv.
Mr. Irshad Ahmad, AOR

For Respondent(s): Mr. Nishant Awana, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The Criminal Appeal is allowed in terms of the signed order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(ABHINAV KUMAR)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)