

**HIGH COURT OF TRIPURA
AGARTALA**

CRL. A.(J) No.7 of 2024

Sri Ratan Debnath
S/O. Lt. Debendra Debnath
R/O- Tolakona, Nagicherra
P.S- Ranirbazar, West Tripura
(Now undergoing imprisonment at Kendriya Sansodhanagar, Bishalgarh, Sepahijala)

....Appellant.

Versus

The State of Tripura

.....Respondent.

For Appellant(s)	:	Mr. Sankar Bhattacharjee, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.
Date of hearing & delivery of Judgment & Order	:	11.03.2025
Whether fit for reporting	:	NO

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT**

Judgment & Order(Oral)

This appeal is preferred challenging the judgment and order of conviction and sentence dated 21.01.2023 delivered by Learned Additional Sessions Judge, West Tripura, Agartala(Court No.2) in connection with case No.ST(Type-1) 115 of 2021. By the said judgment and order of conviction and sentence, Learned Counsel has found the appellant to be guilty for the offence punishable under Section 302 and 324 of IPC and sentenced the convict Ratan Debnath to suffer RI for life

for the offence punishable under Section 302 of IPC and to pay fine of Rs.10,000/- in default to suffer SI for 6(six) months and he was further sentenced to suffer RI for 2(two) years for the offence punishable under Section 324 of IPC and it was ordered that both the sentences shall run concurrently.

2. Heard Learned Counsel for the appellant, Mr. Sankar Bhattacharjee appearing on behalf of the appellant and also heard Learned P.P., Mr. Raju Datta for the State-respondent.

3. Taking part in the hearing, Learned Counsel for the appellant, Mr. Sankar Bhattacharjee first of all drawn the attention of the Court that the appellant has challenged the judgment and order of conviction and sentence delivered by the Learned Additional Sessions Judge, West Tripura, Agartala but the Learned Additional Sessions Judge at the time of delivery of the judgment failed to appreciate the evidence on record properly in absence of material evidence on record and found the appellant to be guilty and it is further submitted that there is sufficient materials in this case to acquit the appellant from the charge of this case. It is further submitted that the evidences of the prosecution witnesses could not be appreciated properly and furthermore, there is lacuna in the evidence on record of the prosecution and as such, the judgment and order of conviction and sentence is liable to be interfered with and urged for allowing this appeal by setting aside the judgment and order of conviction and sentence.

4. On the other hand, Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent submitted that in this case, based on

the evidence on record of the prosecution Learned Trial Court below rightly found the appellant to be guilty and convicted him accordingly and there is no merit in the appeal and furthermore, from the evidence on record, it appears that there is direct allegation against the appellant showing his involvement with the offences, as alleged and as such, according to Learned P.P. there is no merit in the appeal and urged for setting aside the appeal and by upholding the order of conviction and sentence delivered by the Learned Trial Court below.

5. In the case at hand, the prosecution was set into motion on the basis of an FIR laid by the informant Keshab Bhowmik to O/C Ranirbazar PS alleging *inter alia* that on 15.04.2021 in the morning at about 8:30 am his daughter Pratima Debnath was murdered by her husband namely Ratan Debnath in his own kitchen by making blows with an axe. Immediately Pratima Debnath was brought to GBP Hospital where the attending doctor declared her as dead. He further stated that at the time of occurrence both the sons of victim got injured by Ratan Debnath while serving their mother. It was also stated that on several occasions earlier the accused-appellant used to commit such kind of assault upon the victim but they somehow managed to escape and save themselves. It was further mentioned that on several occasions he used to consume alcohol but sometimes the people of this area used to tell him as mad. In the FIR, it was further mentioned that about 15-16 years back, said accused Ratan Debnath had killed another person Nitai Chandra Debnath of Belmura in similar manner by hitting him on his head with a stone at Ranicherra of Nabadwip in West Bengal when he went to West Bengal as pilgrim. Hence, he laid the FIR.

On receipt of FIR, O/C Ranirbazar PS registered Ranirbazar P.S. case NO.2021RNB026 under Section 302/325 of IPC and the case was endorsed to IO. The IO during investigation did all the formalities and finally, on completion of investigation, the IO laid charge-sheet against the present appellant-accused. On commitment, the Learned Trial Court i.e. Additional Sessions Judge, West Tripura, Agartala(Court No.2) framed charge against the appellant under Section 302/324 of IPC and the same was explained to him orally in Bengali to which he pleaded not guilty and claimed to be tried. Hence the trial commenced.

6. During trial, to substantiate the charge prosecution has adduced in total 23 nos. of witnesses and the prosecution also tendered and relied upon some documents which were marked as Exhibits in this case.

Name of the witnesses of the prosecution:

- i) PW-1: Smti. Kalpana Debnath
- ii) PW-2: Shri Manik Debnath
- iii) PW-3: Shri Uttam Saha
- iv) PW-4: Shri Nepal Debnath
- v) PW-5: Smti. Swapna Sarkar
- vi) PW-6: Smti. Payel Debnath
- vii) PW-7: WASI Hemalata Debbarma
- viii) PW-8: Constable Tapash Debbarma
- ix) PW-9: Shri Tapan Debnath
- x) PW-10: Shri Amulya Bhowmik
- xi) PW-11: Dr. Pradipta Narayan Chakraborty
- xii) PW-12: Dr. Juthika Debbarma
- xiii) PW-13: Constable Monoranjan Das
- xiv) PW-14: Constable Litan Dutta
- xv) PW-15: Shri Keshab Bhowmik
- xvi) PW-16: Smti. Rupali Majumder
- xvii) PW-17: Shri Nani Gopal Debnath
- xviii) PW-18: Shri Santa Debnath
- xix) PW-19: Shri Babul Sarkar
- xx) PW-20: Dr. Abhijit Acherjee
- xxi) PW-21: SDPO Suman Majumder
- xxii) PW-22: DSP Soumen Das
- xxiii) PW-23: SI Mithun Saha

Exhibits of the prosecution:

- i) Exhibit-1: Seizure list dated 16-04-2021 at 1505 hours,

- ii) Exhibit- 1/1: Signature of PW-4 in the seizure list dated 16-04-2021 at 1505 hours,
- iii) Exhibit-1/2: Signature of PW-17 in the seizure list dated 16-04-2021 at 1505 hours,
- iv) Exhibit-1/3: Signature of PW-18 in the seizure list dated 16-04-2021 at 1505 hours,
- v) Exhibit-1/4: Signature of PW-23 in the seizure list dated 16-04-2021 at 1505 hours,
- vi) Exhibit-2: Surathal report,
- vii) Exhibit-2/1: Signature of PW-7 in the surathal report,
- viii) Exhibit-2/2: Signature of PW-8 in the surathal report,
- ix) Exhibit-2/3: Signature of PW-9 in the surathal report,
- x) Exhibit-3/1: Signature of PW-7 in the dead body challan,
- xi) Exhibit-4: Seizure list dated 15-04-2021 at 1625 hours,
- xii) Exhibit-4/1: Signature of PW-7 in the seizure list dated 15-04-2021 at 1625 hours,
- xiii) Exhibit-4/2: Signature of PW-8 in the seizure list dated 15-04-2021 at 1625 hours,
- xiv) Exhibit-5: Acknowledgement receipt regarding receive of dead body,
- xv) Exhibit-6: Written complaint (FIR),
- xvi) Exhibit-6/1: Signature of PW- 10 in the written complaint as scribe,
- xvii) Exhibit-6/2: Signature of PW- 15, complainant of this case in the written complaint,
- xviii) Exhibit-6/3: Endorsement as to registration of the case along with seal and signature of PW- 22 at the bottom of written complaint,
- xix) Exhibit-7: Post mortem examination report over the dead body of Pratima Debnath,
- xx) Exhibit-7/1: Signature of PW-11 in the post mortem report,
- xxi) Exhibit-7/2: Signature of PW-12 in the post mortem report,
- xxii) Exhibit-8/1: Signature of PW-13 in the seizure list dated 18-05-2021 at 1850 hours,
- xxiii) Exhibit-8/2: Signature of PW-14 in the seizure list dated 18-05-2021 at 1850 hours being a seizure witness,
- xxiv) Exhibit-8/3: Signature of PW-14 in the seizure list dated 18-05-2021 at 1850 hours being producer of the seized CD,
- xxv) Exhibit-9: Forensic examination report dated 28-06-2021 prepared by PW-16,
- xxvi) Exhibit-9/1: Signature of PW-16 in the forensic examination report dated 28-06-2021 prepared by her,
- xxvii) Exhibit-10 (as a whole): Forwarding of the forensic examination report dated 28-06-2021 having signature of Director, Tripura State Forensic Science Laboratory Dr. H. K. Pratihari,

- xxviii) **Exhibit-11: Injury report of Nani Gopal Debnath prepared by PW-20,**
- xxix) **Exhibits-11(i) and 11(ii): Signature of PW-20 in both the pages of the injury report of Nani Gopal Debnath prepared by him,**
- xxx) **Exhibit-12: Printed FIR form,**
- xxxi) **Exhibit-12/1: Seal and signature of PW-22 in the printed FIR form,**
- xxxii) **Exhibit-13: Hand sketch map of the place of occurrence**
- xxxiii) **Exhibit-14: Index of the place of occurrence,**
- xxxiv) **Exhibit-MO 1: Seized Axe,**
- xxxv) **Exhibit- MO 2: Seized Chappal,**
- xxxvi) **Exhibit-MO 3: Seized CD.**

Finally, on conclusion of trial, Learned Court below found the appellant to be guilty and convicted him accordingly and challenging that judgment and order of conviction and sentence, this present appeal is filed before this High Court.

7. Now let us discuss the evidence on record of the prosecution. PW1, Kalpana Debnath is the informant. She deposed that on 15.04.2021 on the day of first Baisakh (Bengali New Year day) at about 8/8:30 am she was working in her house. That time, she heard cry of Payel Debnath, who is the daughter-in-law of the elder brother of her husband. On hearing such cry, she rushed to their house and that time, her husband was working in the garden in front of their house also rushed there. On reaching there they found her sister-in-law, i.e., Smt. Pratima Debnath, wife of the elder brother Ratan Debnath of her husband was lying in their kitchen with severe bleeding injuries. Their son Santa was crying. They also found Ratan Debnath standing inside their kitchen having an axe in his hand. That time, they could realize that said Ratan Debnath had made blows with the axe to his wife, Pratima Debnath. Her husband somehow managed to snatch away the axe from the hand of Ratan Debnath. Immediately thereafter, elder son

of Ratan Debnath namely, Nani Gopal Debnath came back to house and took out his mother in the courtyard from the kitchen. Nani Gopal thereafter, asked his father as to why he assaulted his mother and Ratan Debnath thus became furious and made a blow on the head of Nani Gopal by a piece of firewood. Thereafter, local people arrived therein and assaulted the accused. After that, by an auto rickshaw, the victim was shifted to GB Hospital where the attending medical officer declared her as dead. She further stated that she had seen that the blow of the axe in the body of Pratima Debnath was made on the back side and the axe ripped out through the chest. Furthermore, She stated that Ratan Debnath used to suspect his wife of having illicit relations and on that issue there was regular hot altercation between them and accused Ratan Debnath is the elder brother of her husband.

During cross-examination, she stated that she did not see to inflict axe blow by the accused to the victim but she arrived there immediately after the incident. She was confronted with the statement that she stated to police that her husband was working in the garden in front of their house but said statement was not found in her statement recorded by IO. She was again confronted with the statement that she stated to police that Santa was crying and that the accused Ratan Debnath was standing inside the kitchen but that statement was also not found in her statement recorded by IO. She was also confronted with the statement that Nani Gopal took out his mother in the courtyard from the kitchen but that statement was also not found in the statement recorded by IO. She did not narrate the facts to the IO that accused used to suspect his wife for having illicit relation. Also stated

that her father-in-law and the accused is the actual owner of the house of accused. She was again confronted with the statement that she had seen the blow of axe in the body of Pratima was made on the back side and the axe ripped out through the chest but that statement was not found in the statement of witness recorded by IO under Section 161 of Cr.P.C.

8. PW-2, Manik Debnath deposed that the accused Ratan Debnath is his elder brother. The witness further stated that he has been residing with his family members in the adjacent house of said elder brother. On 15.04.2021 he was working in the garden adjacent to his house, that time, he heard cry of Payel Debnath, who is the daughter-in-law of his elder brother Ratan Debnath. On hearing such cry, he rushed to their house and that time, his wife was working in the house also rushed there. On reaching there they found Smt. Pratima Debnath, was lying in their kitchen with severe bleeding injuries. Their son Santa was crying. They also found Ratan Debnath standing inside their kitchen having an axe in his hand. They could realize that said Ratan Debnath had made blows with the axe to his wife. He somehow managed to snatch away the axe from the hand of Ratan Debnath. Immediately, elder son of Ratan Debnath namely, Nani Gopal came back to house and took out his mother in the courtyard from the kitchen. Nani Gopal thereafter, asked his father as to why he assaulted his mother. On this Ratan Debnath became furious and made a blow on the head of Nani Gopal by a piece of firewood. Thereafter, local people came and assaulted the accused Ratan Debnath. After that, an auto rickshaw was arranged from the locality and Pratima Debnath was

shifted to GB Hospital wherein the attending medical officer declared her as dead. He further stated that he had seen that the blow of the axe in the body of Pratima Debnath was made on the back side and the axe ripped out through the chest. He further stated that his elder brother always used to suspect his wife of having illicit relations and on such issue there was regular altercation between them.

During cross-examination, he stated that he was not present just at the time of alleged occurrence but he again volunteered that he reached there immediately after the occurrence. During recross-examination, this witness confronted with the statement that he stated to IO that on that relevant point of time, he was working in the garden adjacent to his house but the said statement was not found in the statement recorded by IO. He also confronted with the statement that his nephew Santa was crying and that the accused was standing inside the kitchen but that statement was also not found in the statement recorded by IO under Section 161 of Cr.P.C. Again, he was confronted with the statement that he stated to police that Nani Gopal took out his mother in the courtyard from the kitchen but that part of statement was also not found in the statement of witness recorded by IO.

9. PW-3, Uttam Saha deposed that on 15.04.2021 he was about to leave his house along with his auto rickshaw, that time one Babul Sarkar of their locality requested him to go to the house of Ratan Debnath along with auto rickshaw since an incident occurred therein. Immediately he went to the house of Ratan Debnath along with his auto rickshaw and shifted Ratan Debnath and his wife to the GB Hospital with the help of auto rickshaw. Some other people also accompanied

them to the hospital. That time, he could learn from them that Ratan Debnath murdered his wife.

During cross-examination, nothing came out relevant.

10. PW-4, Nepal Debnath deposed that on the day of last 1st Baisakh of Bengali year in the morning around 9 am his brother-in-law Amulya Bhowmik informed him over phone that his sister, i.e., his sister-in-law has been severely assaulted by her husband Ratan Debnath by an axe and accordingly, she was shifted to GBP Hospital. On receiving such information immediately he accompanied with his wife rushed to GBP Hospital and on reaching there he found his sister-in-law Pratima Debnath was lying in the hospital with severe bleeding injuries and she was declared dead. On seeing the body they could realize that the axe blow was made on the back side and it ripped out through the chest. He heard from his brother-in-law, Amulya Bhowmik that Ratan Debnath had assaulted his son Nani Gopal who was also admitted to the hospital. On the following day, he visited the house of Ratan Debnath. Around 3 pm the police officials came there and had seen the place of occurrence. The police official also seized the bloodstained axe and one bloodstained Chappal of accused Ratan Debnath. Seizure was made in his presence and he put his signature in the seizure list as witness and identified his signature marked as Exhibit-1/1. Seized axe and Chappal were marked as Exhibit MO-1 and MO-2 respectively.

During cross-examination, he stated that accused Ratan Debnath married Pratima Debnath about thirty years back. He did not see or hear any complain from Pratima against her husband during

continuance of their conjugal life. He was confronted with the statement that in the hospital they found Pratima Debnath with bleeding injuries but on drawing attention such statement was not found to his statement recorded by IO. She was further confronted with the statement that blow of axe was made on the back side and the axe ripped out through the chest but on drawing attention, such part of statement was not found in the statement of witness recorded by IO under Section 161 of Cr.P.C.

11. PW-5, Swapna Sarkar deposed that on 15.04.2021, in the morning around 8 am she was performing her household works. That time, she heard cry of Payel Debnath of their neighboring house. Immediately she rushed near the gate of their house. Local people including other members of their house also rushed their house. On reaching there, she could learn that accused Ratan Debnath made blows with an axe to his wife Pratima Debnath. Out of fear she did not enter their house. Later on, Pratima Debnath was shifted to GB Hospital for treatment wherein she succumbed to her injuries. She further stated that the deceased was a good lady but her husband used to suspect her for having illicit relations.

During cross-examination, she stated that the accused used to remain intoxicant.

12. PW-6, Payel Debnath is the daughter-in-law of the accused. She deposed that Pratima Debnath was her mother-in-law. On 15.04.2021, in the morning she was offering puja in the Thakur Ghar and her mother-in-law was cooking in the kitchen. That time, she heard cry of her mother-in-law. Immediately she came out of Thakur Ghar

and saw that her father-in-law has made a blow with an axe to her mother-in-law. She started crying loudly. On hearing her cry local people rushed to their house. She also called her brother-in-law Santa and her mother-in-law with severe bleeding injuries was lying in the kitchen and was screaming. When Santa went forward, her father-in-law attempted to assault him. Her uncle-in-law Manik Debnath somehow managed to snatch away the axe from the hands of her father-in-law. Meanwhile her husband also reached there and asked his father as to why he assaulted his mother. On this, her father-in-law also assaulted her husband by making blow with a lathi on his head. Thereafter, her mother-in-law taken out from the kitchen and was taken to GB Hospital. Sometimes later they received the information that her mother-in-law succumbed to her injuries in the hospital. She further stated that her father-in-law used to suspect her mother-in-law of having illicit relation and her husband was also admitted in the hospital but he was released for performing all the religious formalities for cremation of the dead body.

During cross-examination, she stated that the accused Ratan Debnath used to remain intoxicant. The defence further examined her during recross-examination. During recross-examination, she was confronted with the statement that she heard cry of her mother-in-law but the said statement was not found in her statement recorded by IO. She also confronted with the statement that she stated to the police that she called her brother-in-law Santa but the said statement was also not found in her statement recorded by IO under Section 161 of Cr.P.C. And at the time of alleged incident Santa was studying inside

the dwelling room. Again, she was confronted with the statement her father-in-law used to suspect her mother-in-law of having illicit relation but that part of statement was not found in the statement recorded by IO under Section 161 of Cr.P.C. She also stated that the police officials visited their house after about two days of the incident and made queries about the weapon of offence.

13. PW-7, Hemlata Debbarma deposed that on on 15.04.2021 she was posted at GB TOP as WASI of Police. On that day she prepared surathal report over the dead body of deceased Pratima Debnath in presence of her younger brother and two other witnesses and identified the surathal report marked as Exhibit-2 and her signature marked as Exhibit-2/1. She further stated that she prepared dead body challan and thereafter, the body was sent for PM examination. Dead body challan was marked as Exhibit-3 and the signature of the witness on the dead body challan marked as Exhibit-3/1. She further stated that subsequently on that day, i.e., on 15.04.2021 at about 16:25 hours she had seized the blood sample in a gauze piece which was collected during post mortem examination. The sample was handed over to me by constable Abhijit Biswas. Seizure was made in presence of witnesses and identified the seizure list marked as Exhibit-4 and identified her signature on the seizure list marked as Exhibit-4/1. She was declined to cross-examination by the defence.

14. PW-8, Constable Tapas Debbarma, another seizure list witness deposed that on 15.04.2021 she was posted at GB TOP under NCC PS as constable of police. On that day, WASI Hemlata Debbarma seized one brown coloured sealed envelope on being handed over by

constable Abhijit Biswas and seizure was made in his presence. He put his signature in the seizure list and identified his signature marked as Exhibit-4/2. He further stated that the sealed envelope was containing of blood sample in a gauge piece being collected by the Medical Officer during post mortem examination over the dead body of deceased Pratima Debnath.

During cross-examination, he stated that post mortem examination was not held in his presence.

15. PW-9, Tapan Debnath deposed that on 15.04.2021 at about 8:30 am he was in his shop at Ranirbazar, Mohanpur. That time, he received information over phone from his another uncle namely, Sri Ratan Bhowmik that the accused Ratan Debnath has assaulted his wife with an axe. Immediately on receiving such information he rushed to GBP Hospital and on reaching there, he found the dead body of his aunt-in-law Pratima Debnath. Other relatives were also present there from whom he further came to learn that the accused Ratan Debnath had caused the death of his wife by an axe. Thereafter, surathal report over the dead body was prepared by police official of GB TOP and he put his signature in the surathal report and identified his signature marked as Exhibit-2/2.

During cross-examination, he stated that his statement was recorded by the police during investigation of this case. Nothing more came out relevant.

16. PW-10, Amulya Bhowmik deposed that the accused Ratan Debnath is the husband of his elder sister Pratima Debnath. His sister Pratima Debnath was murdered by the accused Ratan Debnath by an

axe. On 15.04.2021 at about 8:30 am he was in his house at Tulakona. That time, his nephew informed him over telephone that their father Ratan Debnath had made blows with an axe to their mother, i.e., his sister and accordingly, they were proceeding towards hospital. On receiving such information immediately, he proceeded towards GB Hospital. On reaching the hospital, he found the dead body of his sister lying on a bed in the hospital. Thereafter, surathal report over the dead body was prepared by police official of GB TOP and he put his signature in the surathal report as one of the witnesses. The witness identified his signature in the surathal report marked as Exhibit-2/3. Thereafter, post mortem examination over the dead body was held. After holding post mortem examination, dead body was handed over to them. He acknowledged the receipt of dead body in writing and he identified his signature on the acknowledgement marked as Exhibit-5. He further stated that later on, he came to learn from his nephew Nani Gopal that accused used to suspect his sister for having illicit relation and on such issue the accused has caused the murder of his sister. On the following day, his father Keshab Bhowmik lodged a written complaint with the Ranirbazar PS. The written complaint was prepared by him. The witness identified the written complaint to be in his hand writing marked as Exhibit-6 and his signature marked as Exhibit 6/1.

During cross-examination, he stated that his statement was recorded by the police during investigation of this case. He was confronted with the statement that he received the phone call around 8:30 am. Attention of the witness was drawn to the statement but the said statement was not found in his statement recorded by the IO

under Section 161 of Cr.P.C. Further stated that he do not know the contents of surathal report.

17. PW-11, Dr. Pradipta Narayan Chakraborty deposed that on 15.04.2021 he was posted as Asst. Professor in the Department of Forensic Medicine and Toxicology, AGMC & GBP Hospital, Agartala. On that day, in between 1:10 pm to 2:15 pm, he along with Dr. Juthika Debbarma conducted post mortem examination over the dead body of one Pratima Debnath, 48 years female in connection with GB TOP GDE No. 8, dated 15.04.2021. The dead body was brought and identified by police constable Abhijit Biswas and another Sri Amulya Bhowmik (relative of the deceased). During examination they found rigormortis was present over the jaw and the neck. Post mortem staining was present in patches over the back of trunk and it was not fixed. No signs of decomposition was seen. Scalp hair was wet and soaked in blood. Eyes and mouth were partially opened. Frenula in the oral cavity were found intact. Surgical dressing was present on the left side of chest. During post mortem examination they also found three numbers of ante mortem injuries which are as follows:

- (i) One incised stab wound measuring 6 cm x 0.2 cm x 10.5 cm was present on the outer aspect of left side of chest, horizontally placed, 13 cm from midline and 116 cm above the level of heel. The inner angle of this injury was acute and the outer angle was blunt. The direction of the wound was backwards, upwards and medially cutting the skin, soft issue muscles of the chest wall, and cutting the 4th and 5th ribs of left side, 4th intercostal space and enters the left plural

cavity and cuts the anterior space and cuts the anterior aspect of upper lobe of lung throw and throw and ends by giving a nick on the outer wall of pericardial sac. Left plural cavity contains one litre of liquid and floated blood. Both the lung were pale.

(ii) One incised stab wound measuring 4 cm x 0.2 cm x 11 cm is present on the upper part of back of trunk on the left side, obliquely placed, 14 cm from midline and 129 cm above the level of heel. The lower inner angle of this wound was acute and the upper outer angle was blunt. It was surrounded by an abrasion on the outer aspect measuring 5 cm x 0.2 cm. The direction of this wound was forwards, downwards and medially cutting the skin, soft issues and muscles of the back. Extravasation of blood was present in the track of this wound.

(iii) one incised stab wound measuring 3 cm x 0.2 cm x 0.4 cm was present on the lower part of back of trunk on the left side, obliquely placed 95 cm above the level of heel and the inner end was just on midline. The upper outer angle was acute and the lower inner angle was blunt. The wound goes forward and horizontally and downwards cutting the skin, soft tissues and muscles of back. Extravasation of blood was present in the track of this wound.

The dead body was brought with the history of physical assault by an axe by her husband on 15.04.2021 at about 8 am at Tulakona under Ranirbazar PS. She was taken to AGMC and GBP

Hospital where she was declared brought dead on 15.04.2021 at 9.50 am. Allegedly her husband was suffering from psychiatric illness. During examination blood sample in gauge piece of the deceased were taken and were handed over to the police in sealed envelope. Entire post mortem examination was videographed and the videography written in a CD was also handed over to the police. After examination they opined the cause of death was haemorrhage, shock resulting from stab injury to the chest caused by single edged sharp cutting weapon. All the injuries were ante mortem in nature and caused by a single edged cutting weapon. Age of injuries were fresh. Injury No.(i) above was sufficient to cause death in ordinary course of nature. The manner of death was homicidal. Finally they prepared a joint report in prescribed format and the report was signed by both of them. The witness has duly identified the post mortem report marked as Exhibit-7 and the identified his signature in the PM report marked as Exhibit-7/1.

18. PW-12, Dr. Juthika Debbarma, one of the signatory of the PM examination report. She stated that on 15.04.2021 she was posted as Associate Professor in the Department of Forensic Medicine and Toxicology, AGMC & GBP Hospital, Agartala. On that day, in between 1:10 pm to 2:15 pm, she along with Dr. Pradipta Narayan Chakraborty conducted post mortem examination over the dead body of one Pratima Debnath, 48 years female in connection with GB TOP GDE No. 8, dated 15.04.2021. The dead body was brought and identified by police constable Abhijit Biswas and another Sri Amulya Bhowmik (relative of the deceased). After examination they prepared a joint report in and put her signature in the PM report. The witness identified the post

mortem report marked as Exhibit-7 and her signature marked as Exhibit-7/2.

During cross-examination, nothing came out relevant.

19. PW-13, Constable Manoranjan Das deposed that on 18.05.2021 he was posted as constable at Ranirbazar PS. On that day, SI Mithun Saha had seized one CD brought by constable Litan Dutta from GB TOP. Accordingly, SI Saha had seized the CD in his presence and he put his signature on the seizure list as witness. The witness identified his signature on the seizure list marked as Exhibit-8/1 and identified the CD marked as Exhibit-MO-3.

During cross-examination, nothing came out relevant.

20. Similarly, PW-14, Constable Litan Dutta deposed that on 18.05.2021 he was posted as constable at Ranirbazar PS. On that day, he collected a PM report of deceased Pratima Debnath in connection with Ranirbazar PS case No.26 of 2021 and a CD from the office of AGMC & GBP Hospital and handed over the same to the IO SI Mithun Saha. The IO seized the CD and PM report in his presence and the witness identified his signature in the seizure list marked as Exhibit-8/2 and Exhibit-8/3 and also identified the CD (Exhibit MO-3).

During cross-examination, he stated that the CD was not displayed in his presence.

21. PW-15, Keshab Bhowmik deposed that he is the informant of this case. He laid the case against the accused. The accused Ratan Debnath is the husband of his daughter Pratima and he committed murder of his daughter and as such he laid the complaint. The written complaint was prepared by his son Amulya Bhowmik and he put his

signature on the written complaint marked as Exhibit 6/2 on identification.

During cross-examination, nothing came out relevant.

22. PW-16, Smt. Rupali Majumder deposed that on 21.05.2021 he was posted as Scientific Officer cum Asst. Chemical Examiner, SFSL, Narsingarh. On that day, their office received one seal wooden box with seal impression (SDPO, JRN) in connection with case No. 2021/RNB/026, dated 16.04.2021, PS- Ranirbazar, u/s 302/325 of IPC. The case was endorsed to her for examination and report and the period of examination was 03.06.2021-28.06.2021. She further stated that the parcel consists of three exhibits. Exhibit A-1- one axe with wooden handle, Exhibit A-2-one Hawai Chappal of left leg seized from the PO and Exhibit A-3- Blood sample of deceased Pratima Debnath. According to this witness, on examination she found the following result:

- (i) Human blood stained were detected in the Exhibits marked as A-2 and A-3.
- (ii) Blood group of the exhibits marked as A-2 and A-3 could be determined as B group.
- (iii) No blood stain could be detected in the exhibit marked as A-1.

She identified the report marked as Exhibit-9 and her signature on the report stands marked as Exhibit-9(i). The report was, thereafter, forwarded by our Director Dr. H. K. Pratihari vide letter No. 4497, dated 28.06.2021 to the SDPO, Jirania. She identified the forwarding report

written by Dr. Pratihari also stands marked as Exhibit-10 as a whole. He was declined to cross-examination by the accused.

23. PW-17, Nani Gopal Debnath is the son of the deceased and the appellant-accused. He deposed that on 15.04.2021 on the day of Bengali New Year, at about 7 am he proceeded towards the market from their house. At the time of leaving the house, he saw my father Ratan Debnath was cutting firewood by an axe in their courtyard and his mother and wife were about to proceed for taking bath. Around 8.30 am he was returning from market and at the time of returning back from market when he was about to reach the house, he heard cry of his younger brother Shanta. His brother was asking for him calling him as 'Bhai' and was uttering that his father caused murder of his mother. On hearing such cry he rushed to the house and found his brother Shanta was crying catching hold of body of their mother with severe bleeding injuries lying in the courtyard just in front of their kitchen. He also saw my father was washing the axe which was stained with blood. By this time his uncle Manik Debnath along with other local people reached their house. His uncle had snatched away the axe from the hands of my father. He asked my father as to why he assaulted his mother. On this his father took a piece of wood and made successive blows on his head and right hand. As a result he felt like unconscious. His father also tried to assault his younger brother Shanta. The local people present there had rescued his brother and mishandled his father. By this time one Babul Sarkar of their locality on hearing hue and cry in their house also reached their house and he arranged the auto rickshaw of one Uttam Saha of their locality. The witness and his mother and father were

immediately shifted to GB Hospital for treatment. Since his father was mishandled by the local people he also received injuries. His brother Shanta and his aunt also accompanied us in the auto to the hospital. He was admitted in the hospital for treatment. Their father and mother were also admitted for treatment. Since He was admitted in the hospital nobody gave any information to me as to physical status of his mother. After half an hour he regained his full sense when his maternal uncle informed him that their mother succumbed to her injuries. On the same day he was discharged from the hospital on request on taking signature so as to perform all the religious formalities. In this connection his maternal grand-father lodged a written complaint to Ranirbazar PS against my father. On the following day, i.e., on 16.04.2021 the police official visited their house and seized the axe having wooden handle and one Relaxo Chappal of left leg of his father. The Chappal was stained with blood. Seizure was made in his presence and he put his signature in the seizure list as one of the witnesses. He identified his signature on the seizure list marked as Exhibit-1/2. He identified the seized axe (Exhibit MO-1) and Chappal (Exhibit MO-2). Further stated that his father committed murder of his mother and urged for adequate punishment.

During cross-examination, he stated that he stated to IO that his brother was calling him uttering that their father had caused the murder. On drawing attention, such statement was not found in the statement of witness recorded earlier by IO. He was further confronted with the statement that he stated to IO that he felt like unconscious but the said portion of statement was not found in the statement of witness

recorded by IO. Again, he was confronted with the statement that he stated to IO that his father was mishandled by local people but the said statement was not found in the statement recorded by IO under Section 161 of Cr.P.C. He was again confronted with the statement that he made statement to the IO that Relaxo Chappal was also seized but the said statement was not found in the statement of witness recorded by IO. Nothing more came out relevant.

24. PW-18, Sri Santa Debnath deposed that on 15.04.2021 at about 8:30 am he was reading sitting on his bed. His father Ratan Debnath was cutting firewood in their courtyard since 7 am. Around 7:30 am his mother Pratima Debnath and his sister in law (Boudi) were about to proceed towards the Bathroom for taking bath. But their father asked their mother not to take bath in the bathroom but to take bath inside their dwelling room. But their mother had taken bath in the bathroom without paying any heed to the request of his father. After taking bath her mother was about to offer puja when his father again asked his mother not to offer puja. Accordingly, his sister-in-law went to Thakur Ghar for offering puja and his mother started cooking in the kitchen. Around 8:30 am he heard sounds like 'Dhup Dhup'. Immediately, he came out from his room and saw our father was making blows with an axe to their mother inside the kitchen. He attempted to proceed towards kitchen to rescue their mother but their father proceeded towards him aiming the axe. Out of fear he proceeded towards room. His sister in law called their uncle of adjacent house. Immediately, their uncle came and snatched away the axe from his father. Immediately thereafter he came back and taken out the body of

his mother from the kitchen. Huge blood was oozing out from the body of his mother. His uncle kept the axe in a nearby place, taking this opportunity his father had taken the axe in his hand and started washing it with water in the kitchen. By this time local people reached. His brother Nani Gopal went to the market and he also reached by this time. His brother asked our father as to why he assaulted his mother. On this, his father made successive blows with a piece of firewood on the head of his brother. The local people rescued his brother and mishandled their father. Thereafter, one of the neighbor Babul Sarkar had arranged a auto rickshaw. His mother, father and brother were shifted to GB hospital for treatment. He and one of his aunt had accompanied them to the hospital. On reaching the hospital his mother was declared dead by the attending medical officer. His brother and father were admitted for treatment. His brother was, however, discharged on request for performing religious formalities due to death of their mother. Accordingly, the body of their mother was burnt at Battala Smashan. On the following day, in the afternoon police official visited their house and seized the axe having wooden handle and one Chappal of left leg of his father. The Chappal was stained with blood. Seizure was made in his presence. He put his signature in the seizure list as one of the witnesses and identified his signature marked as Exhibit-1/3. The witness identified the seized axe marked as Exhibit MO-1) and Chappal marked as Exhibit MO-2.

During cross-examination, he stated that his statement was recorded by police in connection with the case. He was confronted with the statement that he stated to IO that he attempted to proceed to

kitchen in rescue of his mother and his father proceeded towards him aiming with axe. On drawing attention, the said statement was not found in the statement recorded by IO under Section 161 of Cr.P.C. To Court, he stated that his father made the blows with the axe on the backside of the body of his mother and the axe ripped out through the chest. Nothing more came out relevant.

25. PW-19, Sri Babul Sarkar deposed that on 15.04.2021 at about 8:30 am he returned from the market and immediately after reaching the house he heard hue and cry in the house of Ratan Debnath of their locality. Immediately he rushed to their house. On reaching their house he found the accused Ratan Debnath was standing in their courtyard having a blood stained axe in his hand. Immediately after two minutes brother of Ratan Debnath namely, Sri Manik Debnath also rushed there. By this time some local people also gathered there. Said Manik Debnath snatched away the axe from the hands of the Ratan Debnath. Sri Santa Debnath son of the accused was sitting just in front of their kitchen by catching hold of the body of his mother, i.e., the wife of accused Ratan Debnath. He observed that wife of Ratan Debnath had received severe injury on her back side and profuse blood was coming. There was profuse blood inside the kitchen. By this time Nani Gopal, son of Ratan Debnath also reached. Nani Gopal asked his father Ratan Debnath, what happened? That time, Ratan Debnath also made blows on the head of Nani Gopal by a piece of firewood. In the meantime Ratan Debnath washed the axe with water. Santa requested him to arrange a vehicle. Accordingly, he arranged the auto rickshaw of one Uttam Saha of their locality. Thereafter, Ratan Debnath, his injured wife

Pratima Debnath and Nani Gopal Debnath were taken to GB hospital with the help of said auto for treatment. After that, he, Santa Debnath and one of their aunt had accompanied them in the auto rickshaw. Pratima Debnath was declared dead by the attending doctor. On hearing this he left the hospital and went back to his house.

During cross-examination, he stated that he stated to IO that Santa was sitting just in front of their kitchen catching hold of the body of his mother with bleeding injuries but that statement was not found in the statement of witness recorded by IO under Section 161 of Cr.P.C. He further stated that he did not see the alleged occurrence of making blows.

26. PW-20, Dr. Abhijit Acharjee deposed that on 23.07.2021 he was posted as Medical Officer, Trauma Care Center, AGMC & GBP Hospital, Agartala. On that day, he prepared an injury report in respect of injured Sri Nani Gopal Debnath as per bed head ticket. As per bed head ticket during examination of said Nani Gopal Debnath following injury was found. (i) Superficial cut injury measuring 1 x 0.25 cm on the nose. The injury was caused by blunt weapon and grievous in nature. The X-ray report revealed no bony lision on left forearm. NCT of brain revealed multiple hemorrhage contusion of left fronto parietal region (opinion of general surgeon). The patient left the hospital against medical advice on 15.04.2021 at about 2:35 pm. He was admitted in the hospital on that day at 12:22 pm. The witness identified the report marked as Exhibit-11 and his signature in both the pages of report marked as Exhibit-11(i) and Exhibit-11(ii).

During cross-examination, he stated that age of alleged injury is not mentioned in the report.

27. PW-21 deposed that on 12.05.2021 he was posted as SDPO, Jirania. He just passed the supervision note.

28. PW-22, DSP Soumen Das deposed that on 16.04.2021 he was posted as Officer in charge, Ranirbazar P.S. On that day on receipt of a written complaint from one Keshab Bhowmik he registered a specific case vide Ranirbazar P.S case No. 2021 RNB 026, U/s 302,325 of IPC and endorsed this case to S.I Mithun Saha. The printed form of FIR was filled up by him. The printed form of FIR having seal and signature of the witness marked as Exhibit-12. The seal and signature of the witness in the printed form of FIR is marked as Exhibit-12/1. The endorsement as to registration of the case along with seal and signature of the witness at the bottom of written complaint was marked as Exhibit-6/3.

During cross-examination, he stated that the signature and/or thumb impression of the complainant/informant was not taken in column No.14 of the printed form of FIR.

29. PW-23, SI Mithun Saha deposed that on 16.4.2021 he was posted at Ranirbazar P.S as S.I of police. On that day this case was endorsed to him for investigation. As a part of his investigation on 16.4.2021 he visited the place of occurrence, prepared hand sketch map of place of occurrence with separate index. The hand sketch map and Index respectively are marked as Exhibit-13 and Exhibit-14. On observation of the place of occurrence he could realize that the family

inmates of the accused have cleaned the entire place of occurrence. He, however, found a blood stained Hawai chappal beside the kitchen room. The witness Santa Debnath had also handed over an axe contending that his father caused the murder of his mother with the help of said axe. The axe was however washed with water. There was a reddish mark in the axe. He accordingly, seized the blood stained chappal and the axe in presence of witnesses. He identified the seizure list marked as Exhibit-1 and also identified his signature in the seizure list marked as Exhibit-1/4. Immediately after the seizure he preserved the axe by wrapping it with gauze piece. He also examined and recorded the statement of witnesses namely, Keshab Bhowmik, Nani Gopal Debnath, Nepal Debnath, Santa Debnath, Swapna Sarkar Biswas. He came to know from the witnesses that the accused Ratan Debnath was admitted to GBP hospital. On that day he sent requisition for providing guard of the accused in the GB hospital. He also learned that post mortem examination over the dead body of the deceased Pratima Debnath was already been held on 15.4.2021. Accordingly, he sent requisition for collection of post mortem related papers. On 17.4.2021 he visited the trauma care centre, GBP hospital, Agartala and consulted with a medical officer who informed that accused will be discharged after 2 to 3 days. On 19.4.2021 he again visited GBP hospital but the accused was not discharged. On 20.4.2021 he again visited the house of the accused and examined and recorded the statement of Manik Debnath and Payal Debnath. On 21.4.2021 he received information from GBP hospital that the accused will be discharged from the hospital. Accordingly, he went to GBP hospital and arrested the accused Ratan

Debnath immediately after his discharge and thereafter, forwarded him to the court. On 22.4.2021 he also examined and recorded the statement of witnesses namely, Babul Sarkar alias Paltu, Kalpana Debnath, Uttam Saha. On 29.4.2021 he collected the SCD from GB police out post. SCD comprised of Surathal Report, dead body challan, dead body keeping requisition and a seizure list dated 15.4.2021. On that day he also examined and recorded the statement of witnesses namely, constable Tapas Debbarma and constable Abhijit Biswas. On 2.5.2021 he visited Tulakuna Nagicherra and examined and recorded the statement of Amullya Bhowmik, and thereafter, he went to Brajanagar and recorded the statement of Tapan Debnath. On 18.5.2021 he received the P.M examination report from the office of Ranirbazar P.S accompanied with one C.D containing the video recording of post mortem examination on being produced by constable Litan Datta. On 20.5.2021 he forwarded the seized axe and Chappal and the blood sample to TSFSL for examination through the SDPO, Jirania. On 26.5.2021 he examined and recorded the statement of constable Samir Barman. On 9.7.2021 he received the SFSL report through the SDPO, Jirania. On 5.8.2021 he also examined and recorded the statement of Bhagirath Debnath. On that day he also collected the injury report of injured Nani Gopal Debnath from AGMC and GBP hospital. On completion of investigation, he laid Ranirbazar P.S charge sheet No. 54 of 2021, dated 27.8.2021, U/s 302, 325 IPC against the accused Ratan Debnath. He also identified the Axe marked as Exhibit-M.O.1 and the Chappal marked as Exhibit-M.O.2.

During cross-examination, he stated that he has not collected any finger print from the seized Axe. He confronted with the statement of PW-1 Kalpana Debnath, PW-2 Manik Debnath, PW-4 Nepal Debnath, PW-6 Payel Debnath, PW-9 Tapan Debnath, PW-10 Amulya Bhowmik, PW-17 Nani Gopal Debnath, PW-18 Santa Debnath, PW-19 Babul Sarkar. He further stated that he did not make any investigation in respect of ownership of the alleged P.O house. He also did not make any investigation in regards to any boundary dispute in between the accused and his brother Manik Debnath. During investigation nothing revealed to show that the accused used to deal in fire wood. During visit of place of occurrence he did not find any piece of fire wood near the place of occurrence. Nor he collected any injury report of the accused. The seized Axe was not sent for DNA profiling of reddish mark thereon.

These are the sum and substances of the evidence on record.

30. In course of hearing of argument, Learned Counsel for the appellant in addition to his submission also made statements that there were huge contradictions came out from the evidences of the witnesses of the prosecution. There was no explanation from the side of the prosecution in this regard before the Learned Court below and the Learned Trial Court ignoring those contradictions found the appellant to be guilty and convicted him for which the interference of the Court is required. Learned Counsel for the appellant further submitted that from the materials on record it is clear that the prosecution has failed to prove the charge beyond doubt against the appellant and urged for

setting aside the judgment and order of conviction and sentence delivered by Learned Court below.

31. Learned P.P. on the other side appearing on behalf of the State-respondent submitted that admittedly in this case there were some contradictions and omissions but for those contradictions and omissions, there was no scope to disbelieve the evidence on record of the prosecution because in this case from the evidence of Payel Debnath i.e. PW-6 and PW-18, it is crystal clear that those witnesses were available to the house on that relevant point of time of incident and they had narrated how the appellant has committed the offence. PW-17, Nani Gopal Debnath, another son of the appellant and the deceased appears to the PO just after the incident and he had seen that his mother was lying in the earth with severe bleeding injuries and also found his father with axe standing inside the room and on his protest, the accused also assaulted him. Other witnesses of the prosecution also within a short span of time appeared before the PO after the occurrence of offence and they found the victim in severe injured condition and also the appellant-accused with axe to the alleged PO. The appellant thoroughly cross-examined their witnesses but inspite of thorough cross-examination he failed to discredit the evidence of witnesses of the aforesaid witnesses and also could not raise any circumstance to disbelieve the evidence on record of the prosecution. From the forensic report as well as the Medical Officers who conducted PM examination over the dead body of the deceased, it appears that due to causing of hurt by axe which also has been produced and proved in this case, the deceased succumbed to her injuries.

Thus, from the evidence on record and also after hearing both the sides, it appears to this Court that the prosecution has been able to prove the charge levelled against the appellant before the Learned Court below and the Learned Court after considering the material evidence on record rightly found the appellant to be guilty and convicted him accordingly.

32. In course of hearing of argument, Learned Counsel for the appellant although made his submissions that huge contradictions were there but in this regard, we are to say that admittedly in this case some contradiction were apparent from the evidence on record of the prosecution but from those contradictions, there is no scope to disbelieve the evidence on record of the prosecution regarding causing death of the victim by the appellant-accused on that relevant point of time by an axe. The appellant before the Learned Court below by the style of his cross-examination also failed to dismantle the evidence on record of the prosecution to prove his innocence with the alleged crime.

Thus, it appears to this Court that the Learned Court below after considering the evidence on record rightly and reasonably found the appellant to be guilty and convicted him accordingly, as such, we do not find any scope to interfere with the judgment delivered by Learned Court below.

33. In the result, the appeal filed by the appellant stands dismissed being devoid of merit. The judgment and order of conviction and sentence dated 21.01.2023 delivered by Learned Additional Sessions Judge, West Tripura, Agartala (Court No.2) in connection with

case No.ST(Type-1) 115 of 2021 is hereby upheld and accordingly the sentence is affirmed.

With this observation, the appeal stands disposed of.

Send down the LCR along with a copy of this judgment.

A copy of this judgment be supplied to the appellant-accused in prison through the Superintendent of Jail, Kendriya Sansodhanagar, Bishalgarh.

Pending application, if any, also stands disposed of.

JUDGE

JUDGE

