

25.11.2021
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CRA 196 of 2020
with
(CRAN 2 of 2021)
(via video conferencing)

In Re : An application under Section 389(1) of the Code of Criminal Procedure.

And

In Re : Rupalibabi @ Buri & Ors. appellants

Mr. Sujoy Sarkar

..... for the appellants

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

..... for the State

Learned Counsel appearing for the appellants submits that there is no direct evidence that the appellants had murdered the deceased. Circumstances relied upon by the prosecution do not form a complete chain irresistibly pointing to the guilty of the appellants.

Learned Counsel appearing for the State submits that deceased is the husband of the appellant no. 1. Materials on record show that the deceased was in the house of the appellants on the fateful day. P.W. 1 also found that the appellants dragging the dead body of the deceased into the septic tank wherefrom it was recovered by investigating officer (P.W. 16).

We have considered the evidence on record. P.W. 1 deposed that she saw the appellants drag the dead body of the deceased into the septic tank. Dead body of the deceased was recovered by the investigating officer (P.W. 16). Postmortem doctor (P.W. 11) deposed that the deceased was strangled to death. No explanation is forthcoming from the appellants with regard to the manner and circumstances leading to the homicidal death of the deceased.

In view of the aforesaid materials and the gravity of the offence, we are not inclined to suspend the sentence of the appellants.

Accordingly, the application being CRAN 2 of 2021 is rejected.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)