

Form J(2)

**IN THE HIGH COURT AT CALCUTTA
Criminal Appellate Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.A.162 of 2015

**Rajen Mandal
Vs.
The State of West Bengal**

For the Appellant: Mr. Suman De

For the State: Mr. Saswata Gopal Mukherjee
Ms. Faria Hossain
Mr. Aniket Mitra

Heard on : 23.07.2021

Judgment On : 23.07.2021

Bibek Chaudhuri, J.

This is an appeal against the judgment and order of conviction dated 24th February, 2015 and 27th February, 2015 respectively passed by the learned Additional Sessions Judge, Fast Track Court,

Cooch Behar in Sessions Trial No.01(12) of 2009 arising out of Sessions Case No.205 of 2009 wherein the learned Trial Judge convicted the appellant and sentenced him to suffer imprisonment for three years and to pay fine of Rs.5,000/-, in default, to suffer further simple imprisonment for three months for the offence punishable under Section 498A of the Indian Penal Code. The appellant was further sentenced to suffer rigorous imprisonment for six years and to pay fine of Rs.10,000/-, in default, to suffer further imprisonment for three months for the offence punishable under Section 306 of the Indian Penal Code. In the instant appeal, the appellant has assailed the judgment of conviction and order of sentence.

One Dilip Das lodged a written complaint to the Officer-in-Charge Boxirhat P. S. stating, inter alia, that marriage of his sister was solemnized on 10th 'Magh', 1413 B.S. with the appellant in accordance with Hindu rites and ceremonies. After marriage she went to her matrimonial home and lived happily and peacefully with her husband and other matrimonial relations for about two months. After two months of marriage the appellant started putting torture upon her for bringing money from her paternal home for the purpose of starting a business of wooden furniture. When the wife of the appellant refused to state the proposal of her husband, she was tortured physically and mentally. Ultimately, the sister of the de facto

complainant compelled to inform the incident to her paternal home and asked for money for her husband. The de facto complainant could not satisfy her demand due to poverty. Sister of the de facto complainant was continuously subjected to physical and mental torture on illegal demand of money by her husband. Her sisters-in-law also aided and abetted to commit such offence by the appellant. Thereafter on 25th July, 2007 the de facto complainant received an information that his sister committed suicide by hanging at her matrimonial home.

On the basis of the said complaint Boxirhat P.S. Case No.689 of 2008 dated 15th November, 2008 was registered against the accused under Sections 498A/306 of the Indian Penal Code. After investigation police submitted charge sheet against the accused. As the offence under Section 306 of the Indian Penal Code was exclusively triable by the learned Court of Sessions, the same was committed to the learned Sessions Court. Finally, the case was transferred to the 3rd Court of the learned Additional Sessions Judge, Fast Track Court, Cooch Behar for trial.

It is revealed from the Lower Court record that the prosecution examined fourteen witnesses to prove the charge against the appellant. Certain documents were exhibited during trial which I propose to refer subsequently in the body of the judgment. The

accused was examined under Section 313 of the Code of Criminal Procedure but he did not lead any evidence in support of his defence of denial.

I have independently examined the evidence on record. Amongst the witnesses P.W.1 was a member of Zila Parishad of Cooch Behar. He was a resident of the village where the matrimonial home of the victim situates. He corroborated the fact that the victim was subjected to torture by the appellant on demand of money. The de facto complainant also corroborated the prosecution story in his evidence. The incident of torture was corroborated by the local disinterested witnesses. It is proved beyond any shadow of doubt that the victim was physically tortured and mentally abused on illegal demand of money by her husband and failing to bear such torture she committed suicide. There is direct link between commission of suicide and torture inflicted upon her by her husband.

Therefore, I do not find any reason to spill ink over the impugned judgment and order of conviction and sentence passed by the learned trial Judge.

Furthermore, it is reported by the learned Registrar, Administration that during pendency of the appeal the appellant served out the entire period of sentence and thereafter he was released from custody.

In view of such circumstances, I do not find any merit in the instant appeal. The appeal be and the same is dismissed on contest, however, without costs. The judgment and order of conviction and sentence passed by the learned Additional District & Sessions Judge, Fast Track Court, Cooch Behar in Sessions Trial No.01(12) of 2009 arising out of Sessions Case No.205 of 2009 is affirmed.

Let a copy of this judgment be sent to the learned Court below for information along with the Lower Court record.

(Bibek Chaudhuri, J.)