

21.11.2022
17
SB
Ct. No.236

CRR 430 of 2006

In the matter of : Sarmila Chowdhury

None is appearing on behalf of the petitioner.

On the last occasion also petitioner was not represented.

This criminal revision stems out of an order of acquittal passed by the learned Additional Sessions Judge, 1st F.T.C. Paschim Midnapore in S.T. Case No. 15 of June, 2005.

Briefly stated on 18.2.1999 at about 10 P.M. Sharmila Chowdhury having heard a knock on her door opened the same only to find out the accused persons Sampad Pal, Babu Upadhyay, Ashoke Gupta, Paban Shaw together with her husband, who went to Urs Mela at Midnapore where he became ill and brought by the accused persons by a taxi. The informant found bluish froth coming out from the mouth of her husband. She informed her neighbours and took her husband to hospital. On 26.2.99 at about 2.30 A.M. her husband died in hospital. On the basis of her information Kharagpur Town P.S. Case No.61/1999 was registered on 28.2.1999 under Sections 302/34 of the Indian Penal Code. Police took up investigation and submitted charge sheet against the accused persons who stood trial and learned Trial Court having considered the evidence was pleased to record an order of acquittal.

I have perused the impugned judgement. Post Mortem was not held after the death of the husband of the victim and without

such report the learned Trial Court could not ascertain the cause of death no statement of victim was recorded either, I do not find any infirmity as such to interfere with the order of conviction.

The criminal revision merits no consideration and is dismissed without any order as to costs.

The copy of the order be sent down to the learned Trial Court for information and necessary action.

The parties shall act the server copy duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this, if applied for, be supplied to the parties, upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)