

21.11.2022
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SB
Ct. No.236

CRR 946 of 2007

In the matter of : KALIPADA KARMAKAR

Mr. Jayanta Narayan Chatterjee
Ms. Nandini Chatterjee
Mr. Nazir Ahmed
Ms. J. Patra
Ms. Sreeparna Ghosh
Ms. D. Das
Ms. Pritha Sinha ...for the petitioner

Mr. Bidyut Roy
Ms. Sima Biswas ... for the State

This revisional application assails the judgement and order of acquittal passed by the learned Assistant Sessions Judge, 1st Court, Hooghly in S.T. Case No. 116 of 2003 thereby recording an order of acquittal as against the accused persons.

Briefly stated that Kalipada Karmakar the petitioner set the criminal administration of justice into motion by informing the O.C. of Haripal P.S. about the unnatural death of his daughter Rupali who was married to Sukumar Karmakar. It was disclosed in the written information that after marriage Rupali went to her matrimonial home and while staying with her husband and other family members she was subjected to torture by them both mental as well as physical. On 17.6.2002 her next door neighbor Sristhidhar Das received a phone call and came to know that Rupali committed suicide on a railway track between Baikala & Bahirkhanda Railway Station.

As the information disclosed cognizable in nature. Haripal P.S. Case No. 52 of 2002 was registered under Sections 498A / 306 of I.P.C. Police took up the investigation and submitted charge

sheet against the accused persons. The accused persons stood the trial. Learned Trial Court after considering evidence on record was pleased to hold that the prosecution could not prove the charges beyond reasonable doubt and by extending benefit of doubt recorded an order of acquittal.

Upon perusal of materials on record, I find that eleven witnesses were examined by the prosecution including the investigating officer. The informant Kalipada Karmakar in his oral testimony stated that his daughter was not accorded with dignity by her husband and other inmates of her matrimonial home where she was staying. She was physically tortured. He tried his best to make the favourable situation for his daughter. But on 17.6.2002 his daughter put an end in his life by committing suicide.

P.W. 2 stated that Rupali wife of Sukumar committed suicide but he could not say the reason. So is the evidence of Dilip Das, P.W. 3 and P.W. 5 Dudh Kumar Paul. P.W. 9 is the mother of Rupali who stated that her son-in-law Sukumar had a relationship with another lady before his marriage and he continued with that relationship even after marriage. Such extramarital relationship of her son-in-law was the pin source of all trouble in the life of her daughter of Rupali. P.W.9 further stated that it was Sukumar who told her daughter to fetch the money from her father, in order to marry the lady with whom he maintained relationship. Rest of the witnesses are either the priest who presided over the marriage ceremony between Rupali and Sukumar, scribe of the written information, Constable of police who brought the deadbody to the hospital and the medical officer who performed post mortem

examination over the deadbody of Rupali. The investigating officer did not have any direct knowledge about the alleged incident.

Having considered the evidence on record, I do not find anything to constitute offence within the meaning of Section 107 of the I.P.C. and in absence of any ingredient of Section 107 of the I.P.C. it cannot be said that the accused persons committed offence within the meaning of Section 306 of the I.P.C.

Some general allegations regarding torture and demand of money and some unfounded allegations of extramarital relationship are not sufficient to constitute any offence within the meaning of Section 498A of the I.P.C.

Under such circumstances, having found two possibilities either Rupali committed suicide or it was an accidental death, I do not find any reason to interfere with the impugned judgement passed by the learned Trial Court, when there is dearth of evidence.

The criminal revision is dismissed on contest but without any order as to costs.

Application if any, also stands dismissed.

Interim order if any, stands vacated.

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 order, if applied for, be supplied to the parties, upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)

