

23.11.2022
Item No. 01
BR

CRR 4168 of 2006

In the matter of : Srikanta Ghosh

Mr. Prabir Majumder,
Mr. Snehansu Majumder ... for the petitioner

Challenge in this revisional application is to the judgment and order of acquittal passed by learned Additional Sessions Judge , 2nd Court , Nadia in Sessions Case No. 96(12) of 2004 being Sessions trial No. XVIII(VIII)/05 .

Briefly, stated on 12th January, 2001 an information was given to the Kotwali P.S. , Krishnagar about the unnatural death of one Abhijit Ghosh, a student of class-XII of Kalinagar High School. On 11th January, 2001 Abhijit went to the house of his maternal uncle at Ghurni in the afternoon he went to a rice mill and in the evening around 6.30 p.m. he left for a video show but did not come back. On 12th January, 2001 at about 7 a.m. in the morning he was found lying dead, in a pool of blood. On the basis of such information Kotwali P.S. case No. 13 of 2001 was registered. After investigation police submitted charge sheet against the accused Subrata @ Balai Ghosh and Raj Kumar @ Raju Bhowmick. Both the accused persons stood trial . Prosecution examined 12 witnesses out of which prosecution witness no. 3,4, 6, 8, 9 and 12 preferred not to support the case of prosecution and they were not examined under Section 154 of the Evidence Act . P.W. 2 and PW 7 are the two witnesses who lent support to the prosecution case. Between the two PW 2 did not have any direct knowledge about the incident . His knowledge is based on narrative of Bhajan Ghosh. PW 7 the maternal uncle of victim stated that Abhijit, the victim left his house together with his friend Subrata to watch video show but

did not come back home and on the following morning his dead body was found . Learned trial Court however, refused to rely upon the testimony of PW 7 in absence of any corroboration . From the evidence as discussed by learned trial Court , I do not find anything to suggest with all certainty that Abhijit was last seen alive in the company of accused Subrata @ Balai Ghosh. Even the written information which happens to be the maiden statement about the incident, is silent about the presence of Subrata in the house of Abhijit. Thus I do not find any reason to interfere with the impugned judgment of learned trial Court .

The revisional application merits no further consideration and is dismissed.

Let a copy of this judgment be send down to the learned lower Court for information and necessary action.

All parties are to act on the server copy of this order duly downloaded.

Urgent certified copy, if applied for, be given to the parties on usual undertakings.

(Siddhartha Roy Chowdhury, J.)