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C.R.R 4551 of 2009

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure;

Smt. Mamata Das
Versus
The State of West Bengal and others

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam.
...for the petitioner.

Mr. Sandip Chakraborty.
...for the State.

The revisional application was preferred against the judgment and order dated 17.02.2009 passed by the learned Assistant Sessions Judge, 3rd Court, Paschim Medinipore in S.T. Case No.XXVIII/July/2008 wherein the learned court was pleased to acquit the private opposite party nos.2 to 6 in respect of the offences under Sections 498A/34, 306/34, 304B/34 of the Indian Penal Code.

The petitioner being aggrieved by such order of acquittal was pleased to approach this Court.

The learned trial court specifically recorded that the registration of the FIR was on the basis of an application under Section 156(3) of the Code of Criminal Procedure, pursuant to which Kotwali Police Station case was registered.

The fact of the case was that one Srabani Patra was married to Biren Patra and was tortured physically and mentally at her matrimonial home for bringing more dowry. As the victim was

unable to meet the demand of the accused persons, they assaulted her and abetted her to commit suicide. It has also been held that her mother-in-law set fire on her and the other accused persons intentionally delayed to extinguish the fire and remained silent. She was initially taken to the local hospital and from there to N.R.S. Medical College where she died on 19th January, 2007. The fateful incident occurred within one and half year of marriage.

After completion of investigation, charge-sheet was submitted before the jurisdictional court and the case was thereafter committed to the court of sessions. In order to prove its case, prosecution relied upon 14 witnesses, while the defence was that it was an accident. Learned trial court assessed the evidence of the witnesses produced in support of the case by the prosecution and thereafter arrived at a finding on the basis of the medical evidence that the death occurred because the same was accidental and not being suicidal. The court therefore, concluded that the accused persons cannot be held responsible for the death of the deceased Srabani Patra. Consequently, the court held that the accused persons to be not guilty of the alleged offences and acquitted them for the charges.

As none appears on behalf of the State, Mr. Sandip Chakraborty, learned advocate, who ordinarily appears on behalf of the State, is directed to represent the State. His appointment may be regularised by the concerned authorities.

I have appreciated the reasoning so assigned by the learned trial court while arriving at a conclusion of acquittal. I find

that the reasons are based on facts and particularly medical evidence which has been specifically recorded in the impugned judgment and order.

Having regard to the reasons so assigned by the learned trial court, I am of the opinion that it would not be fit and proper to interfere with the order of acquittal.

Consequently, the revisional application being CRR 4551 of 2009 is dismissed.

Pending application, if any, is consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)