

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE**

PRESENT:

THE HON'BLE JUSTICE TIRTHANKAR GHOSH

CRA 190 of 2020

Daya Sindhu Guria

-vs.-

The State of West Bengal & Anr.

With

CRA 183 of 2020

Sudhangshu Sekhar Jana

-vs.-

The State of West Bengal

With

CRA (SB) 7 of 2022

Buddhadeb Guria @ Buddhadev Guria

-vs.-

The State of West Bengal

Mr. Prabir Maji.

...For the Appellant in CRA 190 of 2020

Mr. Amal Krishna Samanta.

...For the Appellant in CRA 183 of 2020

Mr. Sk. Mustak Ali,
Mr. Amal Krishna Samanta.

...For the appellant in CRA (SB) 7 of 2022

Mr. Bidyut Kumar Roy,
Ms. Baisali Basu.

For the State in CRA 190 of 2020 &
CRA 183 of 2020.

Mr. S.G. Mukherjee, Id. PP,
Mr. Partha Pratim Das,
Ms. Manasi Roy.

...For the State in CRA (SB) 7 of 2022

Heard on : 05.07.2022, 07.07.2022, 28.07.2022, 03.08.2022,
07.07.2023, 19.07.2023 & 21.07.2023

Judgment on : 03.08.2023

Tirthankar Ghosh, J:-

The present appeal has been preferred against the judgment and order of conviction and sentence dated 26.02.2020 and 27.02.2020 passed by the learned Additional District & Sessions Judge, 3rd Court, Tamluk, Purba Medinipur in Sessions Trial No. 07(06)2019 wherein the learned Trial Court/Sessions Court was pleased to convict all the three appellants and sentenced them as follows:

- i) The Appellants Daya Sindhu Guria, Sudhangshu Sekhar Jana and Buddhadeb Guria were sentenced to suffer imprisonment for two years and also pay a fine of Rs.10,000/- i.d. to suffer imprisonment for six months for the offence under Section 498A of the Indian Penal Act.
- ii) The Appellant Daya Sindhu Guria was sentenced to suffer imprisonment for two years and pay fine of Rs.10,000/- i.d. to suffer imprisonment for six months for the offence under Section 324 of the Indian Penal Code.

iii) Appellant Daya Sindhu Guria was sentenced to suffer Rigorous Imprisonment for 7 years and pay a fine of Rs.20,000/- i.d. to suffer Rigorous Imprisonment for another one year for the offence under Section 307 of the Indian Penal Code.

The complainant Chabirani Guria addressed a letter to the Officer-in-charge, Chandipur Police Station, Math Chandipur, Purba Medinipur to the effect that her husband Daya Sindhu Guria had been oppressing her for almost ten years. She is 100% blind but before her marriage she was not blind and the same happened after birth of her four daughters when she became blind due to persecution by her husband and lack of proper treatment. Her husband married second time without informing her and when she protested he began to torment extremely and attempted to kill her by strangling twice. As she was blind there were attempts by him to grab her property forcefully with her left hand thumb impression. Her father had a property in Chandipur market measuring two decimal of plot which was given to her at the time of her marriage by her father. Her husband donated/gifted such property to the son of his second wife with a gift deed without informing her in the year 2016. The present value of the plot with the three storied building would be Rupees one crore. Her three daughters are married however her second daughter is visually disabled and till now she is unmarried. Her father did not arrange for her marriage. Her husband only gave marriage to the son of his second wife namely Buddhadeb Guria. Her second daughter was not in the house and at that time, at the adjacent switch board, there was a cloth on the rope and when she went

to take the cloth and touched the holder of the bulb she fainted. Thereafter she did not know anything and after gaining her senses she noticed that she had been admitted to Erashal Block Health Centre. Her husband did not inform her daughters till then as this was a plan to kill her. She was admitted at bed no. 119 of the health centre. She alleges that although the main accused of the whole incident is her husband namely Daya Sindhu Guria but such plan was designed by the brother of his second wife and the son of his second wife namely Buddhadeb Guria. She requested the police authorities to take action against the accused persons.

On the basis of such complaint Chandipur PS case no.35/18 dated 26.02.2018 was registered for investigation under Section 498A/324/307/34 of the Indian Penal Code. The Investigating Agency on completion of investigation submitted charge-sheet dated 30.04.2018 under the same Sections against the accused persons namely, Daya Sindhu Guria, Sudhangshu Sekhar Jana and Buddhadeb Guria. The case was thereafter committed to the Court of Sessions and was later transferred to the learned Trial Court. Consequently charges were framed against the accused persons under Section 498A/324/307/34 of IPC. The charges were read over and explained to the accused persons in Bengali to which they pleaded not guilty and claimed to be tried.

Prosecution in order to prove its case relied upon 11 witnesses namely, PW1, Chabirani Guria, complainant; PW2, is Atasi Guria, the second daughter

of PW1; PW3 is Binod Paul, brother of PW1; PW4 is Prativa Das, a neighbour of Chabirani Guria, PW1; PW5 is Tapasi Guria Roy, daughter of PW1; PW6 is Dr. Amit Kumar Ghosh, Medical Officer posted at Erashal BPHC on 14.01.2018; PW7 is Manasi Santra, another daughter of PW1; PW8 is Ganesh Jana @ Swapan Jana is a neighbour of PW1; PW9 is Suchitra Das, she is the neighbour of PW1; PW10 is Prakash Ranjan Bera, nephew of Daya Sindhu Guria (appellant) and PW11 is S.I. Badal Kumar Nayak, Sub-Inspector of Police attached to Chandipur Police Station.

The prosecution also relied upon the documents which were marked as Ext. 1 to Ext. 9 and which will be dealt with while discussing the evidence of the case. The only material exhibit which has been relied upon by the prosecution is the electric wire with empty bulb. Records of the case reflect that the defence did not adduce any oral or documentary evidence but only relied upon the evidence on record.

PW1, Chabirani Guria deposed that she was blind for the last 25 years and she could understand her husband by her voice. She was married at the age of 14 years when her vision was normal. She had four daughters namely, Tapasi Guria (Roy), Atasi Guria, Manasi Guria and Tanushree Guria. Her husband's house is at Bar Bhagwanpur. Her second daughter Atasi Guria is un-married and stays with her as she is suffering from 60% blindness in her right eye. She also narrated that her husband did not arrange any treatment of her eyes and after she became blind he married another lady. His second wife

started torturing her and she assaulted her and tried to kill her by pouring kerosene oil upon her. At the time of her marriage her father failed to give any articles so he gave some land to her husband. The land is at Kalikakhali, Chandipur market. Her husband gave away that land to son Buddhadeb Guria who was born out of his wedlock in the second marriage and she was not informed about the same. She was at her daughter's house when her husband took her back to her house about one and half years ago and when she went to dry the wet garments on the rope, she found that an electric wire with holder without any bulb was switched on and there she received the electric shock on her left hand and left shoulder and became senseless. At that time there was nobody at her house. She alleged that the accused persons connected the line in order to kill her. Daya Sindhu Guria, her husband, Sudhangshu Sekhar Jana, the brother of second wife and Buddhadeb Guria son of second wife tried to kill her for the property which was given by her father. She was treated at Erashal Hospital and was admitted for three days at bed no.119. She further deposed that she had handicap certificate of 100% blindness, she is illiterate and she divulged such facts in the written FIR. The FIR was written by her second daughter Atasi Guria and she inserted her LTI in the FIR. She narrated that she could identify the accused persons by their voice and when the accused persons narrated their names the witness identified her husband, Sudhangshu Sekhar Jana and Buddhadeb Guria.

PW2, is Atasi Guria, the second daughter of PW1. She deposed that her mother lodged the FIR which was drafted by her according to the instructions

of her mother and after the same was explained, her mother put her LTI. She identified the written complaint which was in her hand writing and her signature on FIR which was marked as Ext.1. She identified all the accused persons in Court. She deposed that the incident took place in the month of January, 2018 at 4.00 pm when she was not present neither her father was there. Her mother used to dry garments in that rope where the electric wire was kept. It was yellow coloured wire with a holder. The holder was white and it was broken. When her mother was removing the garments her finger entered into the holder and her mother became senseless and fell down on the ground. The same happened according to her as there was electric current and the switch was on. She received electric shock. She alleged that her father intentionally kept the switch on, as he used to torture her regularly and gifted her property to Buddhadeb Guria. She stated that the said property belonged to her maternal grandfather who at the time of marriage of her parents in lieu of ornaments gave the same. She also alleged that her father assaulted her mother in front of her. According to her the house which was gifted by her maternal grandfather was situated at Chandipur Bazar and her father gifted that to his son who was her step brother and the house at which they were staying at Chandipur village was gifted by her father to Dayasindhu Pratibandhi Unnayan Samiti, whose Secretary happened to be her father. Her father told them that he did not want them to stay in that house. She reiterated that she was not present on the day of the incident and the rope on the veranda in front of the room was used by her mother for drying the wet clothes

or for keeping dry clothes. On that day as she went to keep the clothes on the rope, she received electric shock and fell down and became senseless. She did not see the electric wire at any time earlier and the same was because her father planned to kill her mother. Presently they were residing at her sister's house and she was staying at the house of Tanushree while her mother was staying at the house of Manasi Guria. She also stated before the Court that as her father intended to kill them they were afraid staying at their house. She produced her disability certificate and that of her mother in Court which was marked as Ext. 2 and Ext.3. She further stated that her father was an employee of United Bank of India and without divorcing her mother he married again. He did not take initiative for her marriage. Police seized the wire by preparing the seizure list and she signed the same. She identified her signature in the seizure list which was marked as Ext.4. She identified the yellow coloured electric wire along with the broken holder which was kept at the veranda, the same was marked as MAT Ext.I. She lastly deposed that her mother after gaining her sense crawled towards the road side and one Ganesh Jana asked her what happened to her when she narrated that she received electric shock, as such she was taken to Erashal BPHC. She was admitted and treated there. Police collected the medical report in course of investigation.

PW3 is Binod Paul, brother of PW1. The witness deposed that his elder sister got married with the accused Daya Sindhu Guria and after marriage she went to her in-laws house. PW1 had four daughters at the time of marriage she was normal but after some time she lost her eye sight due to physical torture,

negligence and illness. Her husband used to torture her for giving birth to four daughters and as such he married again. He had one son from his second wife. He deposed that at the time of marriage his father gave 02 decimals of land at Chandipur Market to Daya Sindhu Guria by way of gift. Daya Sindhu Guria gifted the property to the son of his second wife, where his sister and Atasi used to stay. As the accused did not give them any money so PW2 used to keep cow and did private tuition for earning. PW2, Atasi is 60% blind and she is unmarried. The witness also stated that on 04.01.2018 at 4.30 pm his sister received electric shock at her house. He received the news from PW2 Atasi over phone and went to Erashal BPHC and saw his sister at bed when doctor was treating her. He heard from PW2 that her sister was keeping clothes on a rope where she used to keep the clothes regularly and as she was blind while moving her hand on the rope she touched the electric wire and received electric shock and became senseless. When she gained her senses she called the public by going to the side of the road, they took her to the hospital. Police seized the electric wire with holder which was broken. The seizure was prepared and he signed on the seizure list. He identified his signature in the seizure list which was marked as Ext.4/1. He identified the yellow coloured electric wire along with broken holder which was seized by the police (which was already marked as MAT Ext.I). The witness identified Daya Sindhu Guria, Sudhangshu Sekhar Jana and Buddhadeb Guria in Court. He also stated that Daya Sindhu Guria used to misbehave with his sister as well as Atasi.

PW4 is Prativa Das, a neighbour of Chabirani Guria, PW1. She stated that she was engaged with her household work when Ganesh Jana called her and narrated that Chabirani was calling her as she received electric shock at her house. When she went there, PW1 told her that she received electric shock as such Shibani Bera was called for giving some warm milk. Buddhadeb Guria and Daya Sindhu Guria came and took her to hospital. The witness narrated that Atasi and Chabirani used to stay in that house and they suffer from vision disability. She also deposed that she heard quarrel at their house as Daya Sindhu Guria married again and had a son named Buddhadeb Guria. She stated that she heard that there was another house of Chabirani and Daya Sindhu, which Daya Sindhu sold to Buddhadeb. Police investigated the case and at the time of investigation she narrated the fact to police. There was a seizure in respect of yellow coloured wire by which Chabirani Guria received electric shock, police prepared a seizure list and read over the same to her and she signed on it. She identified her signature on the seizure list which was marked as Ext.4/2. She identified the MAT Ext.I, the electric wire.

PW5 is Tapasi Guria Roy, daughter of PW1 and Daya Sindhu Guria. She deposed that Buddhadeb Guria is the son of second wife of her father and Sudhangshu Sekhar Jana is brother-in-law of her father. She identified them in Court. She deposed that they are four sisters three of whom are married and one is unmarried. The unmarried sister is Atasi Guria who cannot see properly and her father did not arrange for her marriage. At the time of marriage of her mother, her maternal grand-father gave a piece of land at Chandipur bazaar at

Kalikakhali Mouja. As her mother lost her eye sight after birth of her younger sister so her father married again without the consent of her mother. He had a son from his second wife and her father gave the said property of her mother to the son of his second wife namely Buddhadeb Guria without her consent. She stated that her father did not like them as they were daughters and he did not like her mother also and assaulted them. The relationship of her parents was not good. Atasi and her mother used to stay on that house. Her father gifted the property and house where her mother and Atasi used to stay to a Pratibandhi Unnayan Samity of which he was the Secretary. On 14.01.2018 her mother was alone in the house and the accused persons in connivance connected an electric wire with broken holder at the veranda, her mother received electric shock from the holder, when she was keeping garments on the rope. According to her the accused intended to kill her mother as she used to claim the property from her father frequently. As a result her mother was treated at hospital. Police investigated the case when she narrated whole of the incident. She also stated that her mother filed a criminal case against her father for domestic violence and maintenance and those are pending in the Court. Atasi was staying at the house of his youngest sister and all the sisters used to look after the mother.

PW6 is Dr. Amit Kumar Ghosh, he was posted at Erashal BPHC on 14.01.2018 as Medical Officer. On that day he examined Chabirani Guria and admitted her at the hospital. He identified the BHT which was written by him with his seal, the same was marked as Ext.5. According to him the patient was

alert, conscious and cooperative and she stated that she suffered electric burn. The witness stated that the discharge certificate was issued by Dr. Sutapa Halder. He was acquainted with her hand writing. Patient was admitted from 14.01.2018 to 16.01.2018 and the discharge certificate reflects that the patient suffered from electric shock. The discharge certificate on identification by the doctor was marked as Ext.6.

PW7 is Manasi Santra, another daughter of PW1. She deposed that her mother filed FIR which was investigated by police. Her mother had normal eye sight at the time of marriage but subsequently negligence and torture by her father resulted in loss of her eye sight. She alleged that he gave all the properties of Chandipur and their house to the son of his second wife named Buddhadeb Guria. She stated that she and her mother requested to give them some property but their father refused to do the same. Her mother and Atasi used to stay at the house of Chandipur Bazar and her mother received electric shock from an electric wire which was attached with electricity connection. The wire was kept at the house of her mother by Buddhadeb Guria. She identified all the three accused persons in Court. She alleged that three persons in connivance with each other tried to kill her mother as they did not want to give any property to them. She further stated that her mother kept clothes on the string and the electric holder was there, which was touched by her mother when she received electric shock. The local people took her to hospital and all these facts were narrated to the police authorities. She produced xerox copy of five deeds which she gave to the police. The original gift deed was shown to the

Court by the witness. The xerox copies were marked with objection by the defence.

PW8 is Ganesh Jana @ Swapan Jana, a neighbour of the complainant. He identified the accused persons in Court and deposed that on 14.01.2018 when he was coming out of his house after lunch for going to his work between 1 to 2 pm he saw Chabirani Guria (PW1) sat on the road, outside her house. He enquired whether she was ill when she answered that she received electric shock and further asked him to call kakima of the house of Das. After calling Kakima he went away. The witness stated that he did not state anything to the police but Chabirani and his daughter did not return in that house after the incident.

PW9 is Suchitra Das, she is the neighbour of PW1. She identified the accused persons in Court and deposed that she knew that Chabirani filed a case at the police station. She stated that Chabirani is blind and her daughter Atasi is also partially blind. Police interrogated her in course of investigation and she narrated the same facts to the police authorities. Buddhadeb is the son of the second wife of the husband of Chabirani and Chabirani had bitter relationship with her husband. Two years ago when she was passing by the road she heard Chabirani suffered electric shock and she narrated the same to the police authorities. Daya Sindhu had another house at Chandipur and at that house of Chandipur, Daya Sindhu, Chabirani, her daughter and her son stayed. She also stated that she heard that Daya Sindhu was trying to sell the house.

PW10 is Prakash Ranjan Bera, nephew of Daya Sindhu Guria. He deposed that Daya Sindhu had two wives. The first wife is Chabirani Guria who had four daughters and Daya Sindhu married second time as Chabirani was blind. They were not divorced. Sudhangshu Jana is the brother of second wife namely Kanchan and Buddhadeb is the son of Kanchan. Police interrogated him and he narrated all the facts known to him. The witness also stated that he had no idea regarding the factum of dowry being given at the time of marriage. However one year ago at noon he heard a noise from his house and when he went there he found Gouranga Paria was holding Chabirani and was sitting outside the house on the road. Gouranga told him Chabirani received electric shock and to bring some hot milk as there was nobody at the house. He came back to his house and asked his wife to give some milk and went with that milk. Some relatives came at his house on that day with vehicle and he informed Daya Sindhu Guria over phone when Daya Sindhu and Buddhadeb came to the house. The witness also stated that Daya Sindhu and Chabirani had good relation and Chabirani is blind while Atasi is partially blind. The witness was declared hostile by the prosecution.

PW11 is S.I. Badal Kumar Nayak, Sub-Inspector of Police attached to Chandipur Police Station who identified the signature of the then OC namely Biplab Halder. The letter of complaint which was filed was treated as FIR and the case was endorsed to him by the then OC. He identified the signature of the officer-in-charge which was marked as Ext.1/1. The witness identified the formal FIR and the signature of the OC which was marked as Ext.8. The

witness gave a description of the manner in which he carried out investigation by visiting the place of occurrence, preparing rough sketch map with index which was marked as Ext.9. He seized the electric wire along with empty holder by which the victim received electric shock at the place of occurrence. He identified the seizure list which was written and signed by him and was marked as Ext.4/3. He examined the witness Chabirani Guria, Prakash Ranjan Bera, Atasi Guria, Binod Pal and Pratibha Das. He also collected the injury report of Chabirani from Erashal BPHC and the disability certificate regarding blindness of the victim Atasi Guria, copy of the deed of gift of the father of Chabirani Guria to Daya Sindhu Guria and another copy of deed of gift in the name of Buddhadeb Guria by Daya Sindhu Guria. So far as the deeds are concerned they were not admitted in evidence but were marked as identified. He thereafter examined Manosi Santra, Suchitra Das, Ganesh Jana @ Swapan Jana, Tapasi Guria and Atasi Guria. He held several raid in the house of the accused persons who were absconding as such he filed charge-sheet dated 30.04.2018 under Section 498A/324/307/34 of the Indian Penal Code.

Mr. Prabir Maji, learned Advocate appearing for the appellant in CRA 190 of 2020 i.e. Daya Sindhu Guria submitted that none of the ingredients or the Sections for which the appellant was charged has been proved by the prosecution in this case and a bitter family relationship wherein an accident took place was give the cloak of a criminal proceeding. According to the learned Advocate there was nothing on record to show that any independent witnesses deposed regarding the electric wire and the empty holder. So far as the

marriage between the complainant and the accused is concerned that took place long back as the PW1 in her evidence has stated that her elder daughter Tapasi Guria is about 45 years old. Even if the factum of blindness is taken into account from the evidence of the witness Chabirani Guria it would be transparent that she is blind for more than 25 years as such physical and mental torture for further demand of dowry neither did it take place at close proximity of time after marriage or within few years of said marriage. The factum of blindness according to the learned Advocate may be genetic as another daughter was having disability of 60% in her right eye which was admitted position in the evidence of the case. None of the prosecution witness has come out with any version that there was any quarrel, dispute just prior to the incident which would reflect the culpability of the accused persons. The only issue which weighed for registration of the criminal case was relating to the second marriage and the property being gifted to the son of the second wife. It was also pointed out that even if the materials which are appearing in the record from the versions of the evidence are taken to be correct and accepted to be true that the lady suffered electric shock but at the same time there is nothing on record to show that she suffered any injury which would attract the provisions of Section 324 of the Indian Penal Code. None of the witnesses have seen the other accused persons coming to the residence or have tied the electric wire with the empty holder in a manner in which there would be any possibility of the PW1 Chabirani Guria suffering any injury. Lastly it was submitted that if the prosecution case is taken as a whole the same fails to

make out any offence against the appellant Daya Sindhu Guria as such he may be acquitted of the charges.

Mr. Amal Krishna Samanta, learned Advocate appearing for the appellant in CRA 183 of 2020 i.e. Sudhangshu Sekhar Jana contended that no material has surfaced against this appellant for holding him guilty of offence under Section 498A of the Indian Penal Code. The only cause of the appellant being implicated in the instant case was that he happened to be the brother of the second wife of Daya Sindhu Guria. Learned Advocate drew the attention of the Court to the evidence of the witnesses relied upon by prosecution and emphasized that the present appellant has been implicated in the criminal case on mere surmises. The appellant should be acquitted of the charges against him.

Mr. Sk Mustak Ali, learned Advocate appearing in CRA (SB) 7 of 2022 for appellant Buddhadeb Guria @ Buddhadev Guria submitted that the appellant has been implicated only because his father had gifted him a property. None of the witnesses have seen who had tied the electric wire with the empty holder. In fact one of the witnesses has stated that immediately after getting information Daya Sindhu Guria and Buddhadeb Guria rushed to the place of occurrence as they were in the market. The present appellant admittedly was the son of the second wife of Daya Sindhu Guria and from the evidence of all the witnesses including the daughters of PW1 it reflects that they had no knowledge regarding the place where he was staying. Lastly it was emphasized

that the present appellant has been implicated in the instant case because of property and personal grudge and no materials are appearing against him so that he can be held guilty of the offence under Section 498A of the Indian Penal Code.

Mr. Bidyut Kumar Roy, learned Advocate appearing for the State in CRA 190 of 2020 and CRA 183 of 2020 opposes such contentions of the appellants and drew the attention of the Court to the evidence of PW1 and the letter of complaint which has been marked as Ext.1. According to the learned Advocate the appellant Daya Sindhu Guria inflicted torture for 10 years for which the complainant became 100% blind and she was not treated for the same and also the appellant married second time. He drew the attention to the part of the evidence wherein PW1 stated that when she protested against the second marriage she was tortured and she was attempted to be killed by throttling her, and her signature was obtained through LTI in the document for grabbing her property. There was no effort of Daya Sindhu Guria for treatment of Atasi Guria who was 60% blind and had to remain unmarried as the appellant Daya Sindhu Guria did not make any arrangement of her marriage. According to the learned Advocate appearing for the State the appellant Daya Sindhu Guria was responsible for this electric wire which was connected with the switchboard which had no bulb but had a broken holder and there was electricity connection on the line which was tied with the rope where the victim kept her garments. Learned Advocate for the State drew the attention of the Court to the certificate of the doctor attached to the hospital who was examined as PW6 and

who deposed that the victim stated that she suffered electric shock. Learned Advocate submitted that having regard to the evidence which has surfaced against both the accused persons namely, Daya Sindhu Guria and Sudhangshu Sekhar Jana both of them must be held guilty as the trial Court has come to a correct finding. Lastly, it was submitted that the verdict of the learned Trial Court is based on evidence which consist of corroborations in material particulars and there should not be any interference in respect of the order of conviction as well as sentence so imposed upon both the appellants.

Mr. S.G. Mukherjee learned Public Prosecutor and Mr. Partha Pratim Das learned Advocate appearing on behalf of the State in respect of CRA (SB) 7 of 2022 submitted that the appellant in this case was involved as material has surfaced to the extent that he happened to be son of the second wife and beneficiary in respect of the property which was gifted by the father of the complainant at the time of her marriage as dowry. Learned Advocate for the State emphasized that the motive in this case is transparent and as such the complicity of the present appellant cannot be ruled out as the complainant expressed her anguish over the issue of such gift and also has not received any maintenance from Daya Sindhu Guria. It was submitted that there are sufficient materials against the appellant and the learned trial Court has dealt with the evidence for arriving at a conclusion of guilt which do not call for any interference by this Court.

On an analysis of all the evidence of the witnesses it reflects that on the one side there was the complainant PW1 Chabirani Guria and her daughters

and on the other side were the appellants. At the time of the incident nobody was present at the location and neither anybody has seen that the electric wire which has been alleged to be tied with the empty holder being connected with the switch board was done purposely for PW1 to suffer such shock. Further the list of documents do not show even that the property was gifted by Daya Sindhu Guria to Buddhadeb Guria. There are family issues involved in this case as it is an admitted position from the evidence that Daya Sindhu Guria married for the second time. However such marriage took place long ago and was not even a recent incident. There are also issues regarding maintenance and neglect by Daya Sindhu Guria towards PW1 Chabirani Guria as well as the second daughter Atashi Guria who is partially blind. However, the facts which have been narrated are incidents which took place long ago when the relationship turned sour and which cannot be equated with the incident of electric shock which took place. The time at which the incident took place and the incidents of tortures which were complained cannot be equated, so as to draw the presumption in this case that the same was done at a very recent time with the object of inflicting injury upon the victim PW1. There is nothing on record to show that in close proximity of time such an electric connection i.e. electric wire, the board and the broken holder were installed. The incident complained of at this stage after more than 46 years of marriage hardly have any relevance to bring the accusation within the ambit under Section 498A of the Indian Penal Code so far as the appellant Daya Sindhu Guria is concerned. So far as the complicity of the appellants Sudhangshu Sekhar Jana and

Buddhadeb Guria are involved, I am of the view that there are hardly any materials which surfaced against them and are to be discussed for arriving at a finding of guilt. Having assessed and scrutinised the materials and evidence of the witnesses along with documents which have been relied upon by the prosecution in this case, I am of the view that the prosecution has failed to prove its case against the appellants and as such the appellants should be acquitted of the charges.

Accordingly, all the three appeals being CRA 190 of 2020, CRA 183 of 2020 and CRA (SB) 7 of 2022 are allowed.

Pending applications, if any, are consequently disposed of.

If the Appellants are on bail they should be discharged from bail bonds.

Department is directed to send back the Lower Court Records to the Trial Court and communicate this judgment for further reference, if required.

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

Urgent Xerox certified photocopy of this judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

(Tirthankar Ghosh, J.)