

CRR 1336 of 2009

In the matter of : Shibani Chowdhury

Mr. Rajiv Lochan Chakraborty
Mr. Sumanta Ganguly
Mr. Priyanjit Kundu
..... for the private opposite parties
Mr. B. K. Roy
Ms. Sima Biswas
..... for the State

None is appearing on behalf of the petitioner, Smt. Shibani Chowdhury.

Mr. Sumanta Ganguly, learned counsel representing the private opposite parties is present before the Court. This revisional application challenges the judgment and order passed by the learned Additional Sessions Judge, Jangipur, Mursidabad in Sessions Case No. 24/2002 (Sessions Trial No. 6 of Jan 2003) under Sections 323/324/498A/307/34 of the I.P.C.

Briefly stated that, Shibani Chowdhury who was married to Ranjit Chowdhury on 18th May, 2000 was subjected to torture in her matrimonial home over the demand of dowry and on 23rd July 2000 at about 1.30 P.M. she was assaulted in her matrimonial home and Arun Chowdhury poured kerosene oil on her person and instructed Shankari Chowdhury to set her on fire. Shankari lit one match stick but Shibani somehow managed to escape. She filed a petition of complaint before the S.D.J.M. Jangipur which was forwarded to the jurisdictional Police Station under Section 156(3)

of the Code of Criminal Procedure and Samserganj Police Station Case No. 108 of 2000 was registered. Police took up investigation and submitted charge sheet. Prosecution examined 9 witnesses and one witness was examined as defence witness.

Learned Trial Court after considering the evidence on record was pleased to pass the impugned judgment and order of acquittal. During pendency of the revisional application, it appears that Shibani Chowdhury and Ranjit Chowdhury preferred joint application seeking dissolution of their marriage under Section 28 of the Special Marriage Act which was registered as DOMC No. 94 of 2021. The learned Additional District Judge, 1st Court, Jangipur was pleased to pass an order of dissolving the marriage between the parties solemnized under the Special Marriage Act. It was dissolved by a decree of divorce by a mutual consent.

I have perused the impugned order. The testimony of the victim Shibani Chowdhury, according to learned Trial Court fails to inspire confidence as she could not explain the delay in informing Police. The relative of the victim Shibnarayan Chowdhury as P.W. 2 made embellishment while adducing evidence that allegedly the incident took place at an open space which also strikes the concerns of learned Trial Court. Conduct of P.W. 3 who claims to have been watching the incident as an onlooker without making any attempt to either dissuade the accused persons from torturing the victim/P.W. 1 or to save her from the wrath of the accused persons led the learned Trial Court to disbelieve the narrative of P.W. 3. From the attending facts of the case it transpires that the victim lady stayed in her matrimonial home only for two months

five days, after she got married on 20th July 1999. Therefore, the learned Trial Court refused to accept the narrative of prosecution that Shibani was tortured on 24th July, 2000 or 23rd July, 2000. The impugned order does not warrant interference. Taking into consideration the judgment impugned as well as the fact that subsequent thereto parties decided to dissolve their marriage by decree of divorce on mutual consent. I am not inclined to interfere with the order impugned.

With the aforesaid observation, the criminal revision stands **disposed of**.

It is submitted by Mr. Ganguly, learned counsel that Arun Chowdhury, opposite party No. 3 expired on 8th October, 2011 and the photocopy of death certificate has been handed over by Mr. Ganguly together with photo copy of the order passed by the learned Additional District Judge, 1st Court, Jangipur, Murshidabad in connection with DOMC No. 94 of 2021 which are taken on record.

Department is directed to take note of abatement of the proceeding as against the opposite party No. 3, Arun Kumar Chowdhury, so the cause title may be corrected.

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

(Siddhartha Roy Chowdhury, J.)