

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Joymalya Bagchi

And

The Hon'ble Justice Ajay Kumar Gupta

C.R.A. 320 of 2019

Anita Majhi

-Vs-

The State of West Bengal & Ors.

For the Appellant : Mr. Manas Kumar Das, Adv.
Mr. Aritra Kumar Thakdar, Adv.

For the respondent : Mr. Pratip Kumar Chatterjee, Adv.
Nos.2 to 6

For the State : Mr. Saibal Bapuli, Id. A.P.P.
Ms. Sayanti Santra, Adv.

Heard on : 11.04.2023

Judgment on : 11.04.2023

Joymalya Bagchi, J. :-

1. Appellant had assailed judgment and order of acquittal dated 29.08.2017. Respondent nos.2 to 6 were made to stand trial on the charge of committing offences punishable under Sections 498A/307/34 of the Indian Penal Code.

2. Prosecution case as alleged against them was to the effect that victim Anita Majhi was married to Subrata Majhi, respondent no.2 herein on 20.06.2007. Cash, gold ornaments and other articles were given as dowry. On a further demand of Rs.50,000/-, she was subjected to cruelty. On 25.06.2008 while she was pregnant, she was assaulted by her in-laws and her husband put a napkin round her neck. Her ornaments were taken away and she was driven out of the matrimonial home. Few days later she delivered a female child. Thereafter, she lodged complaint. Prosecution examined nine witnesses to prove its case.
3. On an analysis of the evidence on record, trial Court acquitted the respondent nos.2 to 6 herein.
4. We have considered the evidence on record in the light of the reasons given by the trial Court. The trial Judge held there was inordinate delay in lodging FIR. It is alleged that the victim was assaulted and driven out of the matrimonial home on 25.06.2008 and the FIR came to be lodged on 13.11.2009 i.e. 15½ months later. Trial Judge also noted no contemporaneous complaint was lodged by the father of the victim (PW2) on 18.10.2009 though he alleged that he had been threatened by the respondent nos.2 to 6 on that day.
5. Accordingly, trial Court refused to believe the allegations of torture and demands of dowry. Reasoning of the trial Court cannot be said to be either perverse or unfounded. Though the appellate Court is entitled to reappreciate evidence but in a case of acquittal when the

trial Court has analysed the entire evidence on record and has come to a finding which is neither perverse nor contrary to law, the Court would be loathe to interfere with such finding.

6. In the light of the aforesaid discussion, the appeal is dismissed.
7. Lower court records along with a copy of this judgment be sent down at once to the learned trial Court for necessary action.
8. Photostat certified copy of this judgment, if applied for, be given to the parties on priority basis on compliance of all formalities.

I agree.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)