

03.02.2023
Item No. 06
BR

CRR 2907 of 2008

In the matter of: Kanika Lohar

Mr. Biswajit Manna
..... for the petitioner

Ms. Faria Hossain,
Mr. Sandip Chakraborty for the State

Mr. Monish Sen,
Ms. Oisani Mukherjee for the O.P. Nos. 2 to 4

This criminal revisional application is manifestation of displeasure of the petitioner over the judgment passed by learned Additional Sessions Judge, Durgapur in Sessions Trial No. 3 of 2007 (Sessions Case No. 66 of 2006) thereby recording an order of acquittal against four accused persons.

Briefly stated the petitioner being mother of Bandana Lohar, since deceased set the criminal administration of justice into motion by informing the Officer-in-Charge of New Town, P.S. Durgapur in writing about unnatural death of her daughter Bandana, who was married to Raju @ Raju Banik on 4th February, 2002. It was alleged that Bandana was tortured in her matrimonial home physically and mentally as demand of accused persons to fetch a sum of Rs. 1 lac remained unfulfilled. On 1 March, 2003 Chandana, sister of Bandana had been to the matrimonial home of the victim and found her mother-in-law sitting on the gate. Entering into the premises by

pushing the door Chandana found Bandana was hanging in the room. The body was subsequently taken to sub-divisional hospital Bidhannagar and Bandana declared was declared dead. The information since disclosed offence cognizable in nature New Town P.S. case No. 15 of 2003 was registered. Police took up investigation which culminated into submission of charge sheet. The accused persons stood the trial pleading their innocence.

To bring home charges prosecution examined 11 witnesses and learned trial Court after oral considering the evidence on record both oral and documentary, was pleased to hold that the charges were not proved beyond reasonable doubt.

I have perused the judgment impugned. Though in the written information the de facto complainant disclosed the matrimonial home of the victim as the place of occurrence but inquest report and testimony of other witnesses like P.W. 5 and PW 1,2,3 unerringly suggest that the Bandana committed suicide in her parental house. On the date of incident she was not in her matrimonial home. There is no evidence whatsoever to suggest that Bandana was treated with cruelty within the meaning of Section 498A of the IPC rather the testimony of prosecution witnesses including the parents of the victim indicate that she was well accepted in the family and she was accorded with dignity. Even the day before the fateful day the accused no. 1 Raju was found to have spent quality time with

his wife and members of her father's family. The family attended picnic arranged by Raju. While this episode suggests good relation between the two families and more particularly, it reflects the happiness of Bandana. There is no iota of evidence to come to a different conclusion, far to speak off the ingredient of offence within the meaning of Section 107 of the IPC, in absence of any ingredient of offence under Section 107 of IPC to suggest that there was instigation, it cannot be said that Bandana was abetted to commit suicide by accused persons. In my humble opinion the impugned judgement does not merit any interference.

The criminal revision is devoid of merit and is dismissed, however, without costs.

Copy of this order be sent down to the learned trial Court for information and necessary action.

Urgent certified copy, if applied therefor, be supplied upon compliance of usual formalities.

(Siddhartha Roy Chowdhury, J.)