

CRR 3287 of 2005

In the matter of : Goutam Ghosh

Mr. Prabir Majumder
Mr. Snehangshu Majumder ... for the petitioner

Affidavit of service is taken on record.

Despite service none is appearing on behalf of the opposite parties.

This revisional application challenges the judgment passed by the learned Additional Sessions Judge, Fast Track Court IV, Krishnagar, Nadia in S.T. No. XI (3) / 2005, regarding an order of acquittal.

Briefly stated, Sri Goutam Ghosh set the criminal proceeding into motion by informing the officer-in-charge of Hogolberia P.S. that his sister Kakoli Ghosh @ Bebi committed suicide by setting her ablaze on 17.12.2000 at the instance of Girindra Nath Ghosh and his two sons Pranab Kumar Ghosh and Ashish Kumar Ghosh. The proposed bride groom changed their mind and decided not to marry his sister who was depicted as a lady of ill-repute. As the information disclosed offence cognizable in nature Hogolberia P.S. Case No. 124/2000 was registered on 17.12.2000 under Section 306 of the Indian Penal Code. Police took up investigation which culminated into submission of charge sheet. Prosecution examined fifteen witnesses to prove the charge. Learned Trial Court after considering the evidence of

prosecution witnesses both oral and documentary was pleased to pass the impugned judgement.

Mr. Majumder, learned counsel representing the petitioner submits that the victim was aged about eighteen years. Her marriage was fixed with P.W. 7 Provas Ghosh. In the meantime, the accused persons who happens to be the neighbours of the victim and had enmity with the family of the informant, had the ear of Provas Ghosh and depicted the victim as a girl of ill-repute and being influenced by the accused person Provas Ghosh changed his mind and decided not to marry the victim girl. She could not endure such insult and put an end to her life. Learned Trial Court only relied upon the testimony of P.W. 7 Provas Ghosh who was declared hostile by the prosecution and recorded the order of acquittal.

I have carefully perused the evidence on record.

From the attending facts and circumstances of the case, it is admitted that Kakoli Ghosh committed suicide by setting herself on fire on 17.12.2000. Though it is the specific case of the prosecution that she committed suicide as the accused persons depicted kakoli before the proposed bride groom as a girl of ill-repute, there is no such evidence to substantiate the prosecution case.

On the contrary P.W. 7 Provas Ghosh stated that as he did not like Kakoli he decided not to marry her.

Under such circumstances, I do not find any ingredient of offence within the meaning of Section 107 of the Indian Penal

Code to hold that the accused persons committed any offence punishable under Section 306 of the Indian Penal Code..

The revisional application is bereft of merit and is dismissed.

There shall be no order as to costs.

It appears from the postal report that opposite party no. 1 Girindra Nath Ghosh is dead.

Department is directed to amend the cause title.

The proceeding against the opposite party no. 1 stands abated.

(Siddhartha Roy Chowdhury, J.)