

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

Present:

The Hon'ble **Justice Prasenjit Biswas**

C.R.A. 74 of 1987

Smt. Basanti Chakraborty

-Versus-

The State of West Bengal

For the Appellant : **Ms. Madhurai Sinha,
Mr. Souryadeep Ghosh.**

For the State : **Ms. Pallavi Priyadarshee.**

Hearing concluded on : **29.04.2025**

Judgment On : **18.06.2025**

Prasenjit Biswas, J:-

1. The judgment and order of conviction passed by the learned Additional Sessions Judge, III Court, Burdwan dated 30.01.1987 in the Sessions Trial No. 54 of 1986 (Sessions Case No. 63 of 1986) is assailed in this appeal.

2. By passing the impugned judgment and order of conviction the learned Trial Court convicted this accused under Section 306 and 498A of Indian Penal Code and she is sentenced to suffer simple imprisonment for two years for the charge under Section 306 of the Indian Penal Code and two years for committing offence under Section 498A of the Indian Penal Code.
3. Being aggrieved and dissatisfied with the said impugned judgement and order of conviction the present appeal is preferred on behalf of the present appellant.
4. The story of the prosecution in nutshell is that -

“The deceased Banalata Chakravortty @ Buno was the daughter of Rabindranath Chatterjee of village Baghar within P.S. Burdwan. She had love affairs with the accused Pradwip Chakravortty and these affairs have culminated in registry marriage between them. The said marriage was disclosed to the parents of the victim who had decided to recognize the marriage through a social marriage between them. The father of the victim and his brother (de-facto complainant) had gone to the house of the accused persons at Talit and gave them proposal. The mother-in-law of the victim was very much annoyed and dissatisfied with the marriage of the victim with her son. At last the father-in-law of the victim agreed to the proposal made by the father and uncle of the victim to him. It is said that the father-in-law of the victim told the father of the victim and his brother to give some articles like gold ornaments of 5

tolas for the bride and one wrist watch for the bride groom including Rs. 1000/- in cash. The father of the victim was agreed to the proposal but in fact he had no capacity to give the values and cash at the time of the marriage because of his financial stringency. It is said by the father of the victim that he gave those articles after the marriage. The marriage was solemnized in the month of Asar and the victim was taken to the house of the accused and the victim started her conjugal life there in. As the father of the victim could not give those articles within short period of marriage, this appellant began to treat the victim unsympathetically and also treated her with cruelty. The victim was not allowed to go to her parent's house and this appellant used to say abusive languages towards the victim. It is said that when the father and uncle of the victim came to see her in her husband's house, she narrated before them about the ill-treatment towards her inflicted by this appellant and her son (husband of the victim). After sometime the father of the victim gave a wristwatch to his daughter's husband on 05.06.1984 and when she went to the house of this appellant for inviting the husband of the victim with her daughter on the occasion of 'Jamai Sasthi' festival, the victim was not allowed to go to her father's house on that festival and she committed suicide in early morning of 08.06.1984."

5. Over the complaint lodged by the de-facto complainant the concerned police station started a case. The investigation of the case was taken by

the same police officer who held the inquest and after completion of investigation charge-sheet was submitted against this appellant along with other accused persons under Section 306 of the Indian Penal Code.

6. In this case, prosecution has examined 17 witnesses and documents were marked as exhibits on its behalf. Neither any oral nor any documentary evidence was adduced on the side of the defence.
7. Ms. Madhurai Sinha, learned Advocate appearing on behalf of this appellant said that there is no evidence in the record by which it can be said that this appellant wanted to cause death of the victim in any way and there is no evidence of any of the witnesses of the prosecution by which it can be said that there was instigation to the victim for which she committed suicide. Moreover, there is no such evidence of instigation which was conveyed to the victim in any way at any point of time in order to constitute an offence of abatement. It is said by the learned Advocate that there is no whisper about any type of physical torture as has been inflicted upon the victim by this appellant within the four corners of adduced evidence and as regards to any type of mental torture there is also no evidence to show that in presence of the witnesses the appellant abused or inflicted mental torture upon the victim at any time and in any manner. The attention of this Court is drawn to the deposition of PW2 Golam Mabilia (who informed the police) and PW3, Bipadtaran Mukherjee (resident of village Baghar) stating that there is no whisper in their evidences about dowry or any unlawful demand of anything. It is said that the place of occurrence is far away from the house of this appellant and in

such it cannot be said that this appellant abated the commission of suicide. PW1 (de-facto complainant) stated that the accused appellant expressed her grievance for not giving some articles and she used indecent words to the victim and nothing else. It is said that the father of the victim (PW4) for the first time stated before the Court about the story of dowry but in the statement made before the Investigating Officer and recorded under Section 161 of Cr.P.C., he had never mentioned the same.

8. Ms. Sinha, learned Advocate further assailed that the husband of the victim, the other accused person have been acquitted by the learned Trial Court upon the statement of PW1/de-facto complainant. It is said by the learned Advocate that PW15 (Kumari Barnalata Chatterjee), the sister of the victim in her cross-examination has stated that the marriage of the victim with the accused Pradwip Chakravortty was an outcome of their love affairs and the marriage was registered by and between them. Moreover, the exhibit 3 i.e. the letter written by the victim addressing to this witness speaks about demand of dowry if any, from the side of the husband and not from the side of the present appellant (mother-in-law). Moreover, the husband of the victim has been acquitted from the charge framed against him by the Trial Court in the impugned judgement and order. It is said by the learned Advocate that the benefit of acquittal in the case of co-accused on similar acquisitions can be extended to the present appellant. Reliance has been placed upon the decision rendered by the

Hon'ble Apex Court in case of **Deepak Rajak-vs- State of West Bengal**¹.

Learned counsel said that before the fateful incident occurred no demand of money and/or dowry was made and in fact, the situation got worse when the father of the deceased gifted a wristwatch to his son-in-law purportedly. Moreover, there was no cogent materials on record that immediately before committing suicide this appellant anyway abated for which the victim faced an unnatural death. As such, the ingredient of Section 107 of the Indian Penal Code which is pre-requisite to Section 306 of the Indian Penal Code remains unexplained. To buttress her submission reliance has been placed upon the decision of the Apex Court rendered in case of **Naresh Kumar-vs- State of Haryana**². It is said by the learned Advocate that in the said report it is categorically said that the basic ingredients to constitute an offence under Section 306 of Indian Penal Code are suicidal death and abatement thereof and the appellant involves a mental process of instigating a person or intentional aiding a person in committing of a thing and thus, without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained.

9. Lastly, the learned Advocate contended that the alleged incident was held 41 years back and the present appellant is now aged about 80 years and is bedridden. The sentence imposed by the learned Advocate is of only two

¹ (2007) 15 SCC 305

² (2024) 3 SCC 573

years and as such, no purpose will be served by putting this appellant behind the bar after affirming the impugned judgment and order of conviction passed by the learned Trial Court.

- 10.** Per contra, Ms. Pallavi Priyadarshee, learned Advocate for the State opposed the submission as advanced by the learned Advocate on behalf of the appellant. It is said that the harassment at the hands of the appellant has resulted in such a situation where deceased was left with no other option but to commit suicide. According to her, FIR as well as charge-sheet has been rightly filed for the alleged offence. It is said by the learned Advocate that there is nothing on record for which the impugned judgment and order of conviction passed by the learned Trial Court may be set aside. It is further contended by the learned Advocate that there is no illegality or material irregularity in the impugned judgment.
- 11.** I have considered the submissions as advanced by the learned Advocates of the parties. I have also gone through all the materials on record.
- 12.** The instant police case was started on the basis of a complaint lodged by PW1/ de-facto complainant, Raghunath Chatternee who happens to be the uncle of the victim. This PW1 stated that the victim was the eldest daughter of his brother (PW4) and the victim was given marriage to Pradwip Chakravortty (the other acquitted accused). It is said by this witness that they came to know that there was registry marriage between his niece (victim) and Pradwip. He and his brother (PW4) came to village Talit and made a proposal to this appellant and her husband for social marriage but the appellant was very much dissatisfied and angry in the

matter. It is further said that this appellant at first did not agree to the marriage but at last the husband of this appellant was agreed to the proposal of marriage made by this witness and his brother (PW4). PW1 further said that the husband of this appellant told them for giving some valuable articles in that marriage. It is said that the husband of this appellant specifically told to give gold ornaments owing five tolas to the bride and one wristwatch to the bride groom and Rs. 1000/- cash to him and this PW1 and PW4 were agreed to the proposal made by the husband of this appellant but at the time of marriage they had no capacity to give the valuables and cash and only a pair of gold ear rings was given to the victim. This PW1 further said that he occasionally used to visit the house of the victim's father-in-law's house and then the victim sometimes complained to him that she was suffering trouble thereof as articles and cash which were agreed to be given were not given. It is said by this witness that the victim specifically told him that trouble was created by this appellant but the husband of the victim did not express any grievance for not giving of those articles. This appellant very often expressed her grievance to this witness for not giving those articles and cash to them and she used to hurl licentious words towards the victim. This witness was not the witness to any incident regarding any alleged torture physically or mentally upon the victim. This witness did not state anything about any particular incident or mentioned any torture allegedly inflicted by this appellant upon the deceased. It is said by this witness that he had gone to the house of the victim's father-in-law's house to enquire about the well

being of the inmates of their house on following day of 'Jamai Sasthi' and at that time this witness met with this appellant and asked her as to why the victim and her husband were not sent to their house on the occasion of Jamai Sasthi and in reply this appellant told that she would send the victim to their house for ever. But this witness did not state that this appellant inflicted any torture or said those words directly to the victim in his presence. It is fact that this witness visited the house of the appellant on 23rd Jaistha and thereafter, in the morning of 25th Jaistha they were informed that the victim committed suicide and her dead body was lying in a field by the side of a bank known as Durga Sayer.

- 13.** PW4, Rabindranath Chatterjee, the father of the victim in his evidence has stated that he requested the parents-in-law of his daughter for not ill-treating the victim and told them that he would give cash/ornaments and wrist watch later. It is said by this witness that due to his financial incapacity he was not able to give dowry to them. It is said that this appellant used to ill-treat the victim and she did not behave well with him when he visited her house. This PW4 said that he visited the house of the appellant on the previous day of 'Jamai Sasthi' festival and had requested this appellant to send the victim and his son-in-law to his house on the occasion of 'Jamai Sasthi' festival and at that time this appellant and the husband of the victim told this witness that they would send the victim forever and his daughter and son-in-law did not come on 'Jamai Sasthi' day. In cross-examination, this PW4 stated that he had no document to show that he agreed to pay a cash of Rs. 1000/-, gold ornaments of 5 tolas

and a wrist watch. This witness further said that he had reported the ill-treatment of this appellant towards him and the victim to many persons of the locality but he did not mention the names to whom he narrated about the ill-treatment made by this appellant. This witness further said that he did not tell anybody of the locality of the accused persons and also he did not talk anything with the neighbours of the in laws of the victim as regards ill-treatment to him and his daughter. This PW4 and PW1 although said that the appellant allegedly made physical and mental torture upon the victim but they did not lodge any complaint against this appellant either before any police station or before any appropriate authority.

- 14.** PW6, Smt. Mira Chatterjee, mother of the victim stated in the same line of her husband that bad treatment was done to their daughter by this appellant and the husband of the victim and the said ill-treatment was done to the victim as they could not give the gold ornaments and wristwatch. It is said by this witness that the ill-treatment was done mainly by saying abusive languages towards the victim by this appellant. It is quite astonishing despite coming to know about the alleged torture upon the victim due to non-payment of alleged demand of dowry, this witness and her husband (PW4) did not ventilate it before anybody and did not make any complaint either before police station or before any appropriate authority. This witness further failed to say that there are some direct or indirect acts or incitement of the appellant which led the victim to commit suicide.

- 15.** PW15, Kumari Barnalata Chatterjee, sister of the victim stated that when she met the victim, she used to lament before this witness by saying that she was facing trouble as the articles which were to be given to her, were not given and she requested this witness to tell their father to give all the articles as early as possible so that the victim might live in peace. At the time of examination-in-chief this PW15 said that she had not heard any ill-treatment allegedly inflicted by her father-in-law, her sister-in-law and brother-in-law. This witness failed to say any incident which she witnessed wherein this appellant inflicted physical and mental torture upon the victim. In cross-examination, it is said by this witness that the marriage between her elder sister and the accused Pradwip was love affairs and the marriage was registered by and between them.
- 16.** PW3, Bipadtaran Mukherjee, a resident of village Baghar only said that the victim was married to Pradwip Chakravortty and he had seen the dead body of the victim with burnt injuries on her person. This witness further said that the victim was not allowed to come to her father's house in case of any ceremonial functions held therein and the accused persons did not treat the victim in good manner. This witness failed to say as to whether this appellant being the mother-in-law of the victim made any torture upon her or not. On cross-examination, this PW3 said that he visited the house of the victim's father but he had not visited the house of the accused. On asking the question to this witness as to whether he kept any information about the victim and he replied in negative. Virtually, this

witness did not state anything about any torture allegedly inflicted by this appellant which prompted the victim to commit suicide.

- 17.** PW8, Sri Ramapati Mukherjee and PW9, Md. Salamat Ali, the residents of village Shibpur did not state anything about alleged torture allegedly inflicted by the appellant. PW8, only said that there were quarrel and trouble between the victim and the appellant and the husband of the victim and the accused persons did not love the victim. In cross-examination, this witness stated that it is very common in almost every family that there is some dispute of quarrel over some matters. These witnesses failed to say as to whether he witnessed any incident in which this appellant made physical or mental torture upon the victim being the villagers of the same village as well as adjacent village.
- 18.** PW10, Sri Parbati Nath Chakraborty, a resident of village Talit said that the victim died on 08.06.1984 and he had seen the dead body. This PW10 stated that it was not possible for him to say how the victim was treated by the family members of the husband of the victim. This witness was declared hostile by the prosecution and cross-examined him and in such cross-examination this witness said that he knew nothing about the treatment to the victim by the family members of the husband of the victim.
- 19.** Amongst the 17 witnesses cited by the side of the prosecution PW16, S.I., Fakir Ahmed, PW13 S.C. Kundu, the Inspector-in-Charge of Burdwan Police Station who hold a part of investigation, PW14, D.K. Pal who after completion of investigation submitted charge-sheet, PW11, a constable

who escorted the dead body of the victim, PW7, Rebati Chandra De, S.I. of Police, and PW12, Nandalal Sahana, S.I. of Police and all are the police personnel who are cited as a witness in this case.

- 20.** PW16, Fakir Ahmed, S.I. of police and last I.O. of this case said in cross-examination that during examination under Section 161 of Cr.P.C., PW4 did not tell him that he reported to his wife and some of his villagers regarding ill-treatment made by this appellant towards the victim and this witness (PW4) did not tell before this PW16 that he requested the parents in law of the victim not to ill-treat her daughter and told them that he would give cash/ornaments and wristwatch later. It is further said by this PW16 that PW4 did not tell him that he told the parents of the victim that because of their financial stringency they could not give the dowry to them and the father-in-law of the victim conceded to this request and this appellant did not pay any heed to that. It is said by this witness that PW4 did not tell him anything about the letter written by the victim and the said Rabindranath did not tell to this witness that he (Rabindranath Chatterjee/PW4) requested this appellant to send the victim and the other accused Pradwip on the occasion of 'Jamai Sasthi'.
- 21.** This PW16 further deposed that he examined the mother of the victim (PW6) under Section 161 of Cr.P.C. and PW6 did not tell to this witness that this appellant used to hurl abusive language towards the victim and she did not tell that she heard from PW4 and PW1 that this appellant did not behave well with the victim. Moreover, it is said by this witness that PW6 did not tell him that the victim wrote a letter to her and her daughter

when the victim was living in her father-in-law's house. It is further said by this witness that PW6 did not make statement that the victim came to her house and told her that she was unhappy in her father in law's house because of the trouble there as the dowry articles were not given.

22. This witness also examined PW15, Barnalata Chatterjee under Section 161 of Cr.P.C. and said that the said PW15 did not tell this witness that she told her father that she received a letter from her elder sister (victim) where she wrote to her that she was suffering much in her father-in-law's house as the dowry articles were not given to her. So, the aforesaid statements which I indicated hereinabove made by these witnesses for the first time before the Court during evidence taking process.

23. The bold allegations by the witnesses i.e. PW1, PW4 and PW6 regarding demand of articles are hard to believe. The complaint made by the uncle of the victim/ de-facto complainant was bereft of any details like the dates on which the mental and physical cruelty was inflicted upon the victim on demand of dowry. There were no specific allegations about the alleged acts of dowry demand and cruelty in the evidences of PW1, PW4, PW6 and PW15 who happens to be the parents, uncle and sister of the victim. Thus, the allegations are just bold allegations and cannot be relied upon by the Courts. To convict a person under Section 498A of the Indian Penal Code there must be evidence to prove that wilful conduct of the person drove a woman to commit suicide or to cause grave injury or danger to life, limb or health (mental or physical). Cryptic allegations without any elaborations regarding torture made upon the victim can never be trusted. Absolutely,

there is no evidence in this case that this appellant demanded articles in the form of dowry and for non-payment of dowry she inflicted physical and mental torture upon the victim for which the victim faced an unnatural death. So, this Court is of considered view that there is no legally acceptable evidence to convict this appellant for the offence under Section 498A of Indian Penal Code.

- 24.** In case of death of a wife the Court must meticulously examine the facts and circumstances of the case as well as the evidences brought on record. It has to be determined whether the cruelty or harassment inflicted by this appellant upon the victim left her with no other option but to end her life. In cases of abatement of suicide a concrete proof either direct or indirect act of incitement that lead to the suicide is required. Mere bold allegations or uttering some abusive languages are insufficient to establish the guilt. The act of abatement must be explicitly demonstrated through actions or discoveries of the accused which prompted the victim to take decision to end her life. Mere demand or use of abusive languages does not suffice unless it is accompanied by deliberate acts of incitement or facilitation. There must be proximate of the acts to the time of the suicide showing a clear connection between the accused's behaviour and the tragic outcome. PW4 and PW1 stated that a marriage was registered between the victim and the accused Pradwip Chakravortty by and between them. Thereafter, they went to the house of this appellant with a proposal of social marriage. Although, at first this appellant was very much dissatisfied and did not agree to that marriage but at last the father-in-law of the victim agreed to

their proposal and it was told that for making arrangement for social marriage of the acquitted accused Pradwip and the victim. PW4 had to give some valuable articles in that marriage which includes gold ornament, wristwatch and cash. It is said by PW4 and PW1 that they were agreed to the proposal made by the parents in laws of the victim, but on cross-examination of PW4 said that he had no any kind of document that he agreed to pay the demands as made by the appellant. Moreover, the said demand was not made by this appellant but it was allegedly demanded by the husband of the appellant. If it is found to be true it does not reflect any intention to instigate, incite or provoke the deceased to commit suicide.

25. The abatement involves a mental process of instigating a person or intentional aiding a person in doing of a thing and without a positive act on part of the accused to instigate or aid in committing suicide conviction cannot be sustained. In order to convict a person under Section 306 of the Indian Penal Code, there is to be a clear mensrea to commit offence. It also requires an active act or direct act which leads the deceased to commit suicide seeing no option and this act must have been intended to prompt the deceased in such a decision to take her own life.
26. It is said by the Apex Court in the case of **Gangula Mohan Reddy -vs- State of Andhra Pradesh**³, inter alia, that if it appears that a victim committing suicide was hyper sensitive ordinary to petulance discord and differences in domestic life quite common to society to which victim

³ (2010) 1 SCC 750

belonged and such petulance, discord and differences were not accepted to induce a similarly circumstances individual in a given society to commit suicide, conscience of the Court should not be satisfied for baking a finding that accused charged of abating suicide should be found guilty. In that case, the deceased was undoubtedly hypersensitive to ordinary petulance, discord and differences which happen in our day-to-day life.

27. So, the ingredient of mensrea cannot be assumed to be ostensibly present but has to be feasible and conspicuous but unfortunately the learned Trial Court never examined whether this appellant had the mensrea for the crime, she is held to have committed the offence. The evidence brought on record by the prosecution also does not indicate that the victim faced persistent harassment from this appellant and nothing to this effect is justified by the parents or any of the other prosecution witnesses. The learned Trial Court speculated on the unnatural death and without proper appreciation of evidences only through conjectures that this appellant is guilty of abating the suicide of the victim.

28. The Hon'ble Apex Court in case of **Naresh Kumar-vs-State of Haryana**⁴ held that the basic ingredients to constitute an offence under Section 306 are suicidal death and appellant thereof and the abatement involves a mental process of instigating a person or intentional aiding a person in doing a thing and thus without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. It is

⁴ (2024) 3 SCC 573

further held by the Apex Court that in order to convict a person under Section 306 there has to be a clear mens rea to commit the offence and mere harassment, held, cannot be sufficient to hold an accused guilty of abating the commission of suicide and the prosecution has to prove an active act or direct act which lured the deceased to commit suicide.

- 29.** It is profitable to quote the observance of the Hon'ble Apex Court in case of **Pattel Babubhai Manohardas & Ors. vs State of Gujrat**⁵ at paragraph 22 and 25 which are reproduced herein below-

"22. Abetment to commit suicide involves a mental process of instigating a person or intentionally aiding a person in the doing of a thing. Without a positive proximate act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. Besides, in order to convict a person under Section 306 IPC, there has to be a clear mens rea to commit the offence.

23. This Court in Amudha versus State⁶ held that there has to be an act of incitement on the part of the accused proximate to the date on which the deceased committed (2019) 17 SCC 301 (2020) 15 SCC 359 2024 INSC 244 suicide. The act attributed should not only be proximate to the time of suicide but should also be of such a nature that the deceased was left with no alternative but to take the drastic step of committing suicide.

24. Again, in the case of Kamaruddin Dastagir Sanadi versus State of Karnataka⁷, this Court observed that discord and differences in domestic life are quite common in society. Commission of suicide largely depends upon the mental state of the victim. Until and unless some guilty intention on the part of

⁵ **2025 SCC OnLine SC 503**

the accused is established, it is ordinarily not possible to convict the accused for an offence under Section 306 IPC.

25. Prakash versus State of Maharashtra⁸ is a case where this Court after analysing various decisions on the point summed up the legal position in the following manner:

14. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the (2024) SCC Online SC 3541 2024 INSC 1020 commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide.”

- 30.** So, in absence of any cogent evidence of harassment or cruelty an accused cannot be held guilty under Section 306 of the Indian Penal Code and mere fact of suicide within seven years of marriage one should not come to the conclusion of abatement unless cruelty has been proved in the close proximity of the unnatural death of the victim. There are no cogent materials on record that immediately before committing suicide this appellant abated or instigated or provoked the victim to take her life. To prove the offence of abatement, specified under Section 107 of the Indian Penal Code, the state of mind to commit a particular crime must be visible, to determine the culpability. So, the ingredient of Section 107 of the Indian Penal Code which is prerequisite to Section 306 of the Indian Penal Code remains unexplained.

- 31.** In such circumstances, I have no hesitation in declaring that the Trial Court erred in concluding that the deceased was driven to commit suicide by the circumstances or atmosphere in the matrimonial home allegedly created by this appellant. Therefore, the same cannot be the basis for sustaining conviction of the appellant under Section 306 of the Indian Penal Code also. I have already held hereinabove that there is no legally acceptable evidence available to convict this appellant for the offence under Section 498A Indian Penal Code.
- 32.** The Apex Court in case of **Deepak Rajak -vs- State of West Bengal**⁶ observed that it is trite law that if persons on the same footing have been acquitted, the same benefit should be extended to the other appellant as well. In the case at hand, Pradwip Chakravorty who was the husband of the victim was acquitted by the learned Trial Court on the same set of facts and as such, this appellant being the mother-in-law of the victim can be acquitted applying the same principle.
- 33.** In view of the facts and circumstances and discussion made above I am of the opinion that the impugned judgment and order passed by the learned Trial Court dated 30.01.1987 in connection with Sessions Case No. 63 of 1986 (Sessions Trial No. 54 of 1986) is liable to be set aside.
- 34.** So, the appeal being no. CRA 74 of 1987 is hereby **allowed**.
- 35.** The impugned judgment and order of conviction passed by the learned Additional Sessions Judge, 3rd Court, Burdwan passed in connection with

⁶ (2007) 15 SCC 305

Sessions Case No. 63 of 1986 (Sessions Trial No. 54 of 1986) dated 30.01.1987 is hereby set aside.

- 36.** This appellant is on bail. She is discharged from bail bonds and be set at liberty if not wanted in connection with any other case.
- 37.** Let a copy of this order along with T.C.R. be sent down to the Trial Court immediately.
- 38.** Urgent Photostat certified copy of this order, if applied for, be given to the parties on payment of requisite fees.

(Prasenjit Biswas, J.)