

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

APPELLATE SIDE

PRESENT:

***The Hon'ble Justice Rajarshi Bharadwaj
And
The Hon'ble Justice Apurba Sinha Ray***

**GA 17 of 1990
The State of West Bengal
Vs.
Alpana Goswami**

For the State : Mr. Debasish Roy, Ld. P.P.
: Mr. Parthapratim Das, Adv.

Heard On : 26.06.2025

Judgment Delivered On : 26.06.2025

Apurba Sinha Ray, J. :-

1. The prosecution case, in a nutshell, is that on 19.12.1983, when Rathindranath Goswami came back from his duty, his wife/ accused person poured kerosene oil on his wearing apparels and set fire by burning candle. As a result of such, victim received burn injuries. While the victim groaning in agony, the neighbour from the next room along with others knocked the door and started to raise pandemonium. Subsequently, the door was opened by her wife and the victim was taken to the Hospital and subsequently he died. The accused also accompanied the victim to the Hospital.

2. After medical examination, Medical Officer of D.P.L Hospital sent the report to Officer-in-charge of coke-oven Police Station and registered an FIR being no. coke-oven Police Station Case no. 612 of 1983 under section 302 of I.P.C. After completion of the investigation, the police submitted charge-sheet

under Section 302 of the I.P.C. After commitment, the case was transferred to the court of Additional Sessions Judge, Durgapur for trial and disposal. The prosecution has examined altogether 12 witnesses to prove its case.

3. The Learned Court found that there were so many discrepancies in the evidence of prosecution witnesses. The Court stated that it would be unsafe to rely absolutely on medical evidence as it is unsatisfactory. Moreover, the evidence of PW1 and PW2 and PW3 are contradictory to each other. The evidence of these three witnesses is untrustworthy. I.O in his evidence stated that the alleged place of occurrence indicated in the sketch map is an inner room while the other witnesses stated otherwise. The prosecution failed to prove the allegations against the accused person beyond all sorts of reasonable doubt.

4. By judgment and order dated 17.03.1990, the accused person, namely, Alpana goswami was found not guilty under section 302 of the I.P.C. and she was acquitted from all the charges of the case.

5. The State has preferred this appeal on 07.07.1990, challenging the said judgment of acquittal. In spite of service, the respondent remained unrepresented, and as such, the matter is taken up for disposal on its merits.

5. The Trial Court, after compliance with necessary formalities, recorded an order of acquittal which is under challenge before this Hon'ble Court. In spite of service, the respondent is unrepresented, and hence, the matter is taken up for disposal on merits.

6. In our view, it will not prejudice the respondent even if the service is dispensed with after taking into consideration all materials available on the record and in view of the order that we propose to pass.

7. We have heard the Learned Public Prosecutor who argues in favour of the appeal and points out some infirmities in the order of the Trial Judge.

8. This court, however, is not convinced with the arguments advanced on behalf of the State since, according to us, the order of acquittal has been recorded by the Learned Trial Judge upon consideration of all the materials placed before him.

9. In view of the law laid down by the Hon'ble Apex Court from time immemorial and recently in the case of Constable 907 Surendra Singh & Anr. Vs. State of Uttarakhand, reported in 2025 SCC Online, SC 176, We do not think there is any scope for interference by this Hon'ble Court as the impugned judgment and order seems to be justified and reasonable.

10. Accordingly, the appeal fails and is, thus, dismissed. No order as to costs.

I Agree.

(RAJARSHI BHARADWAJ, J.)

(APURBA SINHA RAY, J.)