

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

PRESENT:

The Hon'ble Justice Apurba Sinha Ray

**GA 20 of 1990
The State of West Bengal
Vs.
Sri Kanta @ Sukanta Das & Ors.**

For the State : Mr. Debasish Roy, Ld. P.P.
: Ms. Zareen N. Khan, Adv.

Heard On : 11.06.2025

Judgment Delivered On : 18.06.2025

Apurba Sinha Ray, J. :-

1. The prosecution case, in a nutshell, is that the brother of the victim Tularani Das had filed a complaint under section 156(3) of Cr.P.C before the Chief Judicial Magistrate, Burdwan, regarding the suicide committed by her sister, alleging that her in-laws abetted the same and suppressed the news of her death and also cremated the dead body. The Learned Magistrate forwarded the complaint to the Officer-in-charge of Bhatar Police Station for treating the complaint as F.I.R. and the Police registered a case against Srikanta Das being Bhatar Police Station case no. 9 dated 28.10.1988 under Sections 498A/306/201 of the I.P.C. According to the said F.I.R., Tularani had married the respondent no. 1 Srikanta Das on 23rd Magh 1392 B.S and after her

marriage, she was subjected to continuous mental and physical torture by her husband and as a result of such inhumane torture, she committed suicide.

2. The de facto complainant alleged that Tularani committed suicide to get rid of such inhumane torture. After completion of the investigation, the concerned I.O. submitted chargesheet against the accused persons under Section 498A/306/201 of I.P.C. After commitment, the case was transferred to the Learned Second Court of the Additional Sessions Judge, Burdwan, for trial and disposal. After the framing of charges under Sections 498A/306/201 of I.P.C., the prosecution has examined as many as 14 witnesses.

3. By a judgment and order dated 25.05.1990, the accused persons, namely, Srikanta Das @ Sukanta Das, Lakshmi Das, Prosanta Das, Smt. Manjuri Das, and Gurey Das @ Gurupada Das were found not guilty under Sections 498A/304B/201 of I.P.C. and they were acquitted from the charges of the case.

4. The State has preferred this appeal on 23.07.1990 challenging the said judgment of acquittal. In spite of service, the respondents 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 respondents are unrepresented and as such, the matter is taken up for disposal on merits.

6. It will, in my view, not prejudice the respondents if the service is dispensed with in view of the order that I propose to pass.

7. I 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 me, 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, I do not think that 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.

(APURBA SINHA RAY, J.)