

**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 04 of 2003

The State of West Bengal

Vs.

Narayan Prasad Sharma @ Narayan Sharma

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

Heard On : 04.07.2025

Judgment Delivered On : 04.07.2025

Apurba Sinha Ray, J. :-

1. The prosecution case, in a nutshell, is that Sweta Golcha, since deceased, came to Calcutta from Nepal with her mother for shopping relating to her marriage which was supposed to be held in the month of June, 1998. Victim's elder brother, namely, Hitesh Golcha also came to Calcutta on 23.06.1998. On 24.06.1998 the victim and his brother with their cousins (Jogesh Kankaria, Abhishek Kankaria) went for dinner at Park Hotel and the victim and his brother back at their aunt's house, situated at 15 Burdwan Road, Kolkata – 700027. On 25.06.1998 at about 8.40 a.m. Hitesh Golcha went inside the room of Sweta to call her, getting no response from the side of

victim, he removed the quilt and found blood stains on her mouth and nostrils and also found nail scratch mark on her facial portion and also on her body parts. Hitesh then raised hue and cry and other family members came there and called family physician who declared her dead. Then they informed the police and when the police came to the place of occurrence, he found Narayan Sharma who had nail scratch on his neck, chest and belly. At the time of interrogation, he stated that those scratches were sustained due to the assault by his mother by a broomstick. Thereafter, an F.I.R. being no. Alipur Police Station Case no. 144 dated 25.06.1998 was lodged under section 302 of I.P.C against Narayan Prasad Sharma @ Narayan Sharma.

2. After investigation, charge-sheet was submitted under section 302 of I.P.C against the accused namely, Narayan Prasad Sharma @ Narayan Sharma and the case was committed to the Learned Additional District & Sessions Judge, 11th Court, Alipore for trial and disposal. The prosecution has examined 20 witnesses to prove its case.

3. Learned Additional District & Sessions Judge, Alipore observed that the uncle of the deceased submitted a written complaint to police after 1p.m. on 25.06.1998 which was treated as another F.I.R. and on the other hand, recorded statement of the aunt of the deceased which was treated as an F.I.R., was taken by the police on 25.06.1998 at about 19:35 hrs. PW19, I.O of the case in his cross examination stated that he took up the investigation before drawing up of formal F.I.R. Learned Judge also in his observation stated that he failed to understand how the I.O took up investigation at 13:15 hrs on 25.06.1998 as the written complaint was filed on 25.06.1998 at about 19:35 hrs. The prosecution failed to explain this doubt properly.

4. By judgment and order dated 24.09.2002, the accused person, namely, Narayan Prasad Sharma @ Narayan Sharma was found not guilty under sections 302 of I.P.C and he was acquitted from all the charges of the case.

5. Challenging the said judgment of acquittal, the State has preferred this appeal on 09.12.2002. In spite of service, the respondent remained unrepresented, and as such, the matter is taken up for disposal on its merits.

6. 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.

7. 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 also in view of the order that we propose to pass.

8. 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.

9. 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.

10. 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.

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

I Agree.

(RAJARSHI BHARADWAJ, J.)

(APURBA SINHA RAY, J.)