

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

Present:

The Hon'ble **Justice Prasenjit Biswas**

C.R.A. 88 of 1998

Badal Chandra Das

-Versus-

The State of West Bengal

For the Appellant : **Ms. Manisha Ghosh, *Amicus Curiae*
Mr. Jayanta Mukherjee.**

For the State : **Ms. Faria Hossain, *Ld. APP.*
Ms. Suchismita Dutta.**

Hearing concluded on : **10.12.2025**

Judgment On : **16.12.2025**

Prasenjit Biswas, J:-

- 1.** This instant appeal is directed against the impugned judgment and order of conviction dated 04.02.98 passed by the learned Additional Sessions Judge, 2nd Court, Bankura, in Sessions Case No.17(9)94, Sessions Trial No. 5(4)97 at the instance of the appellant.
- 2.** By passing the impugned judgment the present appellant was found guilty for commission of offence punishable under Section 498A of the Indian Penal Code and was sentenced to suffer

rigorous imprisonment for two years along with a fine of Rs. 1000/- and in default of payment of fine to undergo further simple imprisonment for four months.

3. Being aggrieved by and dissatisfied with the said impugned judgment and order passed by the learned Trial Court, the present appeal is preferred at the behest of the appellant.
4. In brief, the prosecution case may be summarised as follows:

“On 08.07.1990 at about 17:25 hours, one Dinabandu Das lodged a written complaint at the concerned police station alleging that his sister had met with an unnatural death. According to the complaint, the victim had been married to the present appellant, Badal Das, of village Mulamuli, and thereafter the couple began residing together as husband and wife. However, soon after the marriage, the appellant along with other members of his family allegedly subjected the victim to persistent physical and mental torture, including deprivation of proper food and clothing. It is further alleged that while residing at her matrimonial home, the victim had repeatedly narrated these incidents of cruelty to her mother.

The complainant asserted that the appellant and other family members murdered the victim on 04.07.1990, yet the news of her death was not immediately conveyed to her parental family. Instead, the intimation was given belatedly on 05.07.1990 by the victim’s father-in-law. It is also stated that the burial of the victim was completed hurriedly and without informing any member of her parental home. The accused persons thereafter allegedly wrongfully confined the

complainant and his brother in an attempt to settle the matter amicably. The complainant, however, managed to escape and thereafter proceeded to the police station to lodge the present complaint.

Based on the said written complaint, Raipur P.S. Case No. 34/90 dated 08.07.1990 was registered under Sections 302/201/342 read with Section 34 of the Indian Penal Code. Upon completion of investigation, the prosecuting agency submitted a charge-sheet on 07.09.1993 against the present appellant and the other accused persons (who have since been acquitted), for offences punishable under Sections 498A/302/201 read with Section 34 of the Indian Penal Code.”

5. In this case, prosecution has examined in all thirteen (13) witnesses and documents were marked on its behalf. Neither any oral, nor any documentary evidences was adduced on behalf of the appellant.
6. Ms. Manisha Ghosh, learned Amicus Curiae, has forcefully contended that the allegations levelled against the present appellant are wholly vague, unsubstantiated and bereft of any concrete particulars. However, the learned Trial Court, without undertaking a sound and judicious appreciation of the evidences adduced by the prosecution, proceeded to hold the appellant guilty of the alleged offences. It is urged that the prosecution evidence suffers from glaring contradictions, material omissions and inherent inconsistencies which strike at the very root of the

prosecution case and render it wholly unreliable. According to the learned Amicus Curiae, the conviction based on such infirm evidence cannot be sustained in the eye of law.

- 7.** It is further submitted that no specific overt act has been attributed to this appellant at any stage of the proceedings. Though it is not in dispute that the victim suffered an unnatural death, the prosecution has failed to state when, how and in what manner the appellant allegedly subjected the victim to physical or mental torture. There is a total absence of particulars as regards the date, time and place of any such alleged acts of cruelty. In the absence of such foundational facts, the learned Trial Court, it is argued, erred in concluding that the appellant was responsible for inflicting cruelty upon the victim.
- 8.** The learned Amicus Curiae has also assailed the prosecution version that immediately after the death of the victim, the appellant along with other accused persons hurriedly buried the deceased with the intention of concealing the true nature of death. It is pointed out that no cogent evidence has been brought on record to show that the burial was carried out with any ulterior motive or that any attempt was made to suppress the cause of death. On the contrary, it is explained that the accused persons belong to the Vaishnav community, where burial is a customary mode of performing last rites. Therefore, the mere fact

of immediate burial cannot be treated as a suspicious circumstance so as to draw an adverse inference against the appellant.

- 9.** Inviting the attention of this Court to the testimonies of PW6, Vidyapati Mondal, a quack doctor, and PW13, Dr. J. N. Dey, the autopsy surgeon, the learned Amicus Curiae submits that the medical evidence does not support the prosecution case. PW6 has categorically deposed that the death of the victim did not appear to him to be unnatural and that he found no indication of foul play upon examining the dead body. He also stated that the victim was suffering from liver trouble and dysentery and was under his treatment prior to her death.
- 10.** On the other hand, PW13, the autopsy surgeon, has clearly stated that no poison was detected in the viscera of the deceased. Though he opined that death was due to the effect of some “unknown poison,” he simultaneously admitted that the nature of injuries found on the dead body could be consistent with a fall on a hard surface. According to him, if a person falls and strikes against a hard object, similar injuries may occur. Thus, the medical evidence, far from supporting the prosecution, is equivocal and does not conclusively establish that the victim was subjected to assault or cruelty.

- 11.** It is, therefore, urged that there is no credible evidence on record to show that the victim was ever subjected to torture by the appellant. Neither is there any demonstration of motive nor any circumstance indicating that there existed any cause or reason for the appellant to inflict cruelty upon the deceased. The learned Amicus Curiae submits that the findings of the learned Trial Court are perverse, self-contradictory and based entirely on conjectures and presumptions rather than on reliable legal evidence.
- 12.** In such circumstances, it is argued that the conviction of the appellant cannot be allowed to stand and is liable to be set aside. Accordingly, the learned Amicus Curiae prays that the impugned judgment and order of conviction be quashed and that the present appeal be allowed.
- 13.** Ms. Faria Hossain, learned Advocate for the State, contended that there are no materials on record warranting interference with the findings of the learned Trial Court. According to her, the prosecution has successfully established that the victim was subjected to persistent physical and mental torture at the hands of the appellant, ultimately resulting in her unnatural death. She submitted that the evidence adduced by the prosecution witnesses clearly demonstrate a pattern of ill-treatment inflicted upon the deceased during her matrimonial life, and that the

cumulative circumstances firmly support the conviction recorded by the learned Court below.

- 14.** Learned Counsel for the State further argued that the reliance sought to be placed by the defence on the testimony of PW6, a quack doctor, is wholly misplaced. She submitted that PW6 admittedly does not possess the requisite medical qualifications and cannot be treated as an expert witness within the meaning of law. Therefore, according to her, the opinion expressed by such an unqualified practitioner cannot form a dependable basis for determining the cause of death of the victim. Even though PW6 stated that the deceased was suffering from liver problems and was occasionally treated by him, it cannot automatically be inferred that her death was attributable to such ailment. Hence, no credence, according to the State, can be attached to the opinion of PW6 on the medical aspects of the case.
- 15.** It was further submitted by Ms. Hossain that the evidence of the prosecution witnesses demonstrates that the victim was denied proper food, clothing, and basic care at her matrimonial home, which squarely amounts to physical as well as mental torture. The learned Advocate argued that the totality of the circumstances reflected in the witnesses' testimonies unmistakably points towards continuous harassment and ill-treatment of the deceased.

- 16.** Mrs. Hossain also emphasised that all the witnesses examined on behalf of the prosecution have supported the essential allegations contained in the written complaint. She pointed out that immediately after the unnatural death of the victim, her body was hurriedly buried without any intimation to her parental family, and no plausible explanation has been offered by the appellant regarding such hasty burial or the failure to inform the complainant and his relatives. This conduct, according to her, strengthens the suspicion against the appellant and is indicative of an attempt to suppress the true circumstances surrounding the victim's death.
- 17.** The learned Advocate for the State drew the attention of this Court to the evidence of PW13, the autopsy surgeon, who stated that he found injuries on the person of the deceased at the time of conducting the post-mortem examination. According to her, the presence of such injuries corroborates the allegation of torture and lends substantial support to the prosecution case.
- 18.** On these grounds, Ms. Hossain submitted that the prosecution has succeeded in proving its case beyond all reasonable doubt and the findings of the learned Trial Court are well-founded, both in fact and in law. She accordingly urged that no interference is called for and the present appeal challenging the conviction deserves to be dismissed outright.

- 19.** I have given my anxious consideration to the rival submissions advanced by the learned counsel for the parties. I have also meticulously examined and weighed all the materials and evidence placed on record, including the depositions of the witnesses, the documentary exhibits. Each piece of evidence has been scrutinized in its proper context, and the contentions of both the Appellant and the State have been carefully evaluated before arriving at any conclusion in this matter.
- 20.** PW1, Dinabandhu Das, the elder brother of the deceased and the defacto complainant, stated in his evidence that the victim had been married to the appellant about 14 or 15 years prior to the incident and that, following the marriage, the in-laws of the victim including the appellant used to behave badly with her. He further stated that the victim ultimately died at her matrimonial home. According to PW1, upon receiving information from the victim's father-in-law on the following day, he and his family members first went to the house of the maternal aunt (*māsī*) of his brother's wife, Nandarani, where they were informed that the victim had died on 04.07.1990 at noon. Thus, despite allegedly receiving news of the victim's death directly from the in-laws, PW1 and his family did not go immediately to the victim's matrimonial home; instead, they first proceeded to the house of another relative before reaching the spot. This conduct appears

unusual and inconsistent with ordinary human behaviour, especially when the death of a close family member is involved.

- 21.** PW1 also stated that they did not see the dead body of the victim because it had already been buried at the corner of the village field near a stream. However, in cross-examination, he admitted that he was not present at the victim's house at any time and he came to know of her death only on 05.07.1990, not on 04.07.1990, as originally suggested. Although PW1 alleged that the appellant and his family members used to inflict physical torture upon the victim, he did not take any step either by lodging a complaint or reporting the matter to any authority during the entire span of her married life. His evidence is further weakened by the lack of any specific date, time, or occasion of such alleged acts of cruelty. These omissions substantially diminish the evidentiary value of his testimony.
- 22.** Significantly, the written complaint lodged by PW1 contains a specific allegation that the victim died an unnatural death due to torture inflicted by the appellant and his family members, and that her body was hurriedly buried without any intimation to PW1 or his family. Thus, according to the version presented in the complaint, PW1 and his family had no opportunity to see the dead body of the victim. However, PW2, Smt. Nandarani Das, the wife of PW1's brother, deposed that she had actually seen the

dead body of the deceased. This statement directly contradicts both the written complaint and the testimony of PW1, who stated that the body was buried before their arrival and, therefore, could not be seen.

- 23.** PW2 was declared hostile by the prosecution and permitted to be cross-examined. Nevertheless, nothing material could be elicited from her cross-examination to support the prosecution case or to reconcile the glaring contradiction regarding the viewing of the dead body. Such inconsistency strikes at the root of the prosecution narrative and further erodes its credibility.
- 24.** The testimony of PW1, marked by omissions, contradictions, and the absence of material particulars, fails to present a coherent or reliable version of events. His conduct and the inconsistencies between his evidence and the statements of other witnesses cast a serious doubt on the veracity of the prosecution case.
- 25.** PW3, Bhim Chandra Das, the brother-in-law of the deceased, stated in his evidence that the deceased had told him that her husband (the appellant herein) and other family members used to treat her badly and physically assault her. He further stated that on the occasion of the 'śrāddha' ceremony of his father, he met the appellant and requested him to behave properly with the deceased. According to PW3, he had also heard directly from the victim that the appellant used to torture her. However, a close

scrutiny of his testimony reveals that he has not mentioned any specific date, time, or occasion on which such alleged acts of cruelty were committed by the appellant. Although PW3 claims to have been aware of the alleged torture based on what he purportedly heard from the deceased, he failed to lodge any complaint before any competent authority or the police station. His evidence does not indicate whether he disclosed these allegations to any other relative of the victim, including her parents or brothers. Given that PW3 was a close relative and had a familial bond with the deceased, it would have been expected that he would promptly inform the victim's immediate family members if indeed such cruelty had been disclosed to him. His silence in this regard is highly unnatural and casts a serious doubt on the credibility of his assertions. Consequently, the statement of PW3 regarding alleged torture appears improbable and is difficult to place reliance upon.

- 26.** PW4, Sri Radha Raman Das, the cousin of the deceased, stated in his evidence that the accused persons behaved badly with the victim, assaulted her, and deprived her of proper food and clothing. He further stated that he heard these allegations from the deceased when she had come to his house. PW4 additionally stated for the first time that the deceased died on 04.07.1990 by consuming poison. This assertion is conspicuously absent in the

written complaint and finds no corroboration from any of the prosecution witnesses discussed earlier. The sudden introduction of such a vital allegation during oral testimony, without any basis in the FIR or earlier statements, renders this part of his evidence highly doubtful.

- 27.** PW4 has also admitted that he is unable to specify the date and time of any alleged act of torture committed by the appellant or his relatives. Furthermore, he acknowledged that he did not lodge any complaint against the accused persons at any point of time. In cross-examination, PW4 claimed that he and others were detained by the accused persons for one day at Muramuli village. However, PW12, the Investigating Officer, categorically stated that PW4 had never mentioned any such allegation of illegal detention in the statement recorded under Section 161 Cr.P.C. This indicates that the allegation of illegal detention was introduced for the first time before the Court and was not part of the witness's earlier version. Such an embellishment at the stage of evidence seriously impairs the credibility of PW4.
- 28.** Thus, the testimonies of PW3 and PW4 suffer from inherent inconsistencies, omissions, and improvements, which render their statements unreliable. Their failure to provide specific particulars of torture, coupled with their omission to make timely disclosures or complaints, significantly weakens the prosecution

case and raises a reasonable doubt regarding the veracity of their accusations.

- 29.** PW5, Smt. Mukta Lata Dasi, the mother of the deceased and undeniably the most vital prosecution witness, deposed that the appellant and his aunt used to physically and mentally assault the victim and that they even deprived her of proper food and clothing. She further stated that she personally witnessed incidents of torture inflicted upon her daughter by the appellant and his aunt, and that on at least one occasion, the appellant assaulted the deceased at her parental home in her very presence. However, a careful examination of the evidence reveals a significant contradiction. PW12, the Investigating Officer, categorically stated during his testimony that PW5 had not informed him that the appellant, Badal, had ever assaulted the victim at her parental home in her presence. This crucial omission demonstrates that the allegation of witnessing such assault was disclosed by PW5 for the first time in Court. The introduction of such a grave allegation at this belated stage, without it forming part of her earlier statement under Section 161 Cr.P.C., greatly diminishes the credibility of her testimony.
- 30.** Although PW5 claimed to have directly witnessed the torture inflicted upon her daughter, she admittedly did not lodge any complaint, nor did she ask any family member to lodge a

complaint before any authority or at the concerned police station. Such inaction is highly unnatural and inconsistent with normal human conduct, particularly from a mother who claims to have seen her married daughter being assaulted and ill-treated. In the ordinary course of human behaviour, when a daughter discloses to her mother that she is being assaulted by her husband, or when the mother personally witnesses such cruelty, it would be expected that the mother would promptly approach the authorities to seek protection for her daughter.

- 31.** In the present case, however, no such contemporaneous complaint was ever lodged by PW5. Moreover, the specific allegation of assault in her presence was not disclosed during investigation. This omission is of considerable significance. The silence of PW5, despite the gravity of the allegations she now asserts, casts serious doubt on the veracity of her testimony. The complete absence of timely reporting especially by the mother of the victim, who would ordinarily be the first to take action, creates a major credibility gap.
- 32.** Such silence, when viewed against the backdrop of the alleged seriousness of the acts, materially weakens the prosecution case. The belated introduction of crucial allegations during trial, contradicting the earlier version recorded by the Investigating

Officer, undermines the reliability of PW5's evidence and, consequently, the overall prosecution narrative.

- 33.** PW6, Bidyapati Mondal, a quack doctor, stated in his evidence that on the relevant date, upon being called, he went to the house of the appellant for the purpose of treating his wife (the deceased). Upon reaching there, he found the victim lying on the bed in a dead condition and, therefore, had no opportunity to examine or treat her. In his cross-examination, PW6 further deposed that the deceased had been his patient earlier and was suffering from liver-related ailments. He also disclosed that two other medical practitioners namely Dr. Manik Mondal of Kanta Park and Dr. Nihar Sannigrahi of Sarenga had treated the deceased occasionally. Significantly, neither of these two doctors was cited as a witness by the prosecution. This omission assumes importance, for the testimony of PW6 clearly suggests that the victim had been suffering from illness for a considerable period prior to her death. Most crucially, PW6 categorically stated that he did not find any indication of foul play in relation to the death and, in his opinion, the death of the deceased was not unnatural.
- 34.** PW13, Dr. J. N. Dey, the autopsy surgeon, corroborates the inconclusive nature of the medical findings. PW13 stated that during the post-mortem examination, he observed certain injuries

on the body but no poison was detected in the viscera sent to the Forensic Science Laboratory. He opined that the death could have been caused by the effect of some “unknown poison,” which could not be detected through chemical analysis. Importantly, in cross-examination, PW13 acknowledged that the abrasions on the body could have been caused by accidental means, such as a fall on a hard surface. This explanation directly undermines the prosecution’s theory that the injuries were inflicted intentionally by the appellant or other accused persons to cause death.

- 35.** Taken together, the testimonies of PW6 and PW13 highlight the inherent uncertainty regarding the cause of death. While PW6 attributed the victim’s demise to natural illness, PW13’s post-mortem report is inconclusive and does not specifically establish that the death resulted from criminal actions. The absence of detection of poison in the chemical examination of the viscera further weakens the argument that the victim died as a consequence of homicidal acts or abetment thereof. Moreover, no independent corroboration exists to connect the observed injuries with any deliberate act of cruelty by the appellant.
- 36.** In conclusion, the medical evidence, rather than fortifying the prosecution case, raises serious doubts about the nature and cause of the victim’s death. The inconclusive findings, coupled with alternative plausible explanations for the injuries and the

victim's pre-existing health conditions, render it impossible to establish beyond reasonable doubt that the appellant was responsible for causing the unnatural death of the deceased. Therefore, the medical evidence fails to provide a firm or reliable foundation for the prosecution's case and significantly undermines its credibility.

- 37.** The testimony of PW4 also introduces a significant inconsistency. PW4 deposed that he had merely heard that the deceased had consumed poison on 04.07.1990, which resulted in her death. This alleged information is conspicuously absent from the written complaint and is not corroborated by any other prosecution witness. The introduction of such a vital assertion for the first time during oral evidence without any foundation in the FIR or earlier statements renders his version inherently unreliable. Further, when the post-mortem doctor himself has not given any definite finding regarding the nature of the poison, and where the viscera, sent to the FSL on 26.09.1991, yielded no trace of poison, the prosecution's theory rests on a speculative foundation. The express inability of the forensic examination to detect any poisonous substance creates a substantial gap in the chain of medical evidence.
- 38.** In cases involving allegations of death by poisoning, the burden lies heavily upon the prosecution to establish, by cogent medical

and scientific evidence, not merely the administration of poison but also the nature of such poison and its detectable presence in the viscera of the deceased. In the present case, the opinion of the autopsy surgeon resting essentially on the presumed effect of an “unknown poison,” unsupported by chemical analysis remains inconclusive and indeterminate. Such an opinion, uncorroborated by objective forensic findings, materially weakens the prosecution story.

- 39.** The unexplained inconsistency between PW4’s statement regarding the alleged consumption of poison and the lack of corresponding, specific findings in both the post-mortem report and the chemical examiner’s report casts a serious doubt on the prosecution narrative. Consequently, the medical evidence, instead of fortifying the prosecution case, creates a substantial dent in its credibility and further compounds the doubt surrounding the cause of death.
- 40.** It is pertinent to note that although PW1, the complainant and elder brother of the deceased; PW3, Bhim Chandra Das, the brother-in-law of the deceased; PW4, Radha Raman Das, the cousin of the deceased and the scribe of the written complaint; and PW5, Smt. Mukta Lata Dasi, the mother of the victim, have all stated in their depositions that the appellant and his family members allegedly subjected the victim to physical and mental

cruelty, ultimately resulting in her unnatural death, their testimonies suffer from substantial deficiencies. A close scrutiny of their evidence reveals a conspicuous absence of any specific, clear or credible material capable of establishing even a single definite instance of cruelty attributable to the appellant. The witnesses, including PW5, have merely made general, vague and omnibus allegations, without furnishing essential particulars such as the date, time, manner, or precise nature of the alleged acts of cruelty.

- 41.** Under Section 498A of the Indian Penal Code, the prosecution is required to establish cruelty through concrete, consistent and cogent evidence. The provision mandates that the alleged acts must be proved with sufficient specificity to demonstrate that the conduct of the accused amounted to cruelty within the statutory meaning. Vague assertions lacking particulars, bereft of details, and unsupported by independent corroboration cannot constitute a reliable basis for conviction. In the present case, the sweeping and unsubstantiated allegations made by PW1, PW3, PW4 and PW5 fall significantly short of the standard of proof required under law. In absence of precise and credible evidence, the charge of cruelty under Section 498A IPC cannot be sustained against the appellant.

42. I have already observed in the foregoing paragraphs that although PW5, the mother of the deceased, alleged in her testimony that her daughter had been subjected to torture by the appellant, no complaint in respect of such alleged acts of cruelty said to have been perpetrated by the appellant and his family members was ever lodged before any competent authority or police station at any point of time. This omission is of considerable significance. The complete silence of the family members, despite the alleged seriousness of the acts complained of, materially weakens the credibility of their assertions and substantially undermines the prosecution case. A close and careful scrutiny of the evidence on record further reveals a conspicuous absence of any specific, definite or clearly articulated allegation of torture or ill-treatment inflicted by the appellant upon the victim prior to her death. There is nothing in the depositions of PW1, PW3, PW4 or PW5, nor in any other material on record, that establishes even a single instance of cruelty attributable to the appellant during the period immediately preceding the unfortunate incident. Whatever allegations have been made are vague, general and sweeping in nature, devoid of essential particulars such as the date, time, manner or nature of the alleged acts. Such un-particularised

assertions lack the probative force required to sustain a criminal charge.

- 43.** Equally significant is the fact, as noted earlier, that none of the family members or close relatives of the victim despite claiming to be fully aware of the appellant's alleged conduct ever approached the police or any lawful authority with a complaint during the lifetime of the victim. In prosecutions alleging cruelty upon a woman, prompt or contemporaneous reporting often serves as a crucial indicator of the truthfulness and gravity of the allegations. The complete absence of any such earlier complaint in the present case raises a serious and legitimate doubt as to whether any episode of torture or harassment had, in fact, occurred at all. This unexplained silence, viewed in the context of the vague and inconsistent nature of the allegations, renders the prosecution case inherently weak and unreliable.
- 44.** In the present case, had the appellant truly subjected the victim to sustained cruelty or persistent harassment, it would be reasonable and natural to expect that her close relatives who, notably, are the very persons now testifying against the appellant would have brought such serious matters to the notice of the appropriate authorities or at least lodged a complaint at the local police station during the victim's lifetime. Their complete silence throughout the relevant period is difficult to reconcile with the

gravity of the allegations made subsequently after her death. This unexplained omission casts a serious shadow of doubt upon the veracity of the prosecution's version. The prosecution's case, therefore, appears clouded by significant doubt. The lack of specific, detailed, or consistent allegations, when considered alongside the absolute absence of any contemporaneous complaint, substantially weakens the evidentiary foundation of the accusations levelled against the appellant. As a result, the reliability and authenticity of the prosecution narrative stand materially undermined.

- 45.** A careful scrutiny of the testimonies of the prosecution witnesses, when considered alongside the medical evidence, reveals serious inconsistencies and omissions that considerably weaken the prosecution's case.
- 46.** PW1, Dinabandhu Das, the elder brother of the deceased and the defacto complainant, alleged that the victim was subjected to continuous physical and mental torture by the appellant and his family. However, PW1 could not specify any dates, times, or particular instances of such cruelty, nor did he take any steps to lodge a complaint during the victim's lifetime. His conduct, as reflected in his own testimony, including the delay in visiting the victim's house and the inability to see her body due to its burial, raises serious questions regarding the veracity and completeness

of his account. PW3, Bhim Chandra Das, the victim's brother-in-law, deposed that he was aware of the torture inflicted upon the victim, which he claimed to have heard directly from her. Yet, he did not report the matter to any authority, nor did he convey it to other family members. Similarly, PW4, Radha Raman Das, the cousin of the deceased, introduced for the first time in his testimony that the victim had died by consuming poison and made additional allegations such as illegal detention, none of which were reflected in earlier statements or the complaint. Such belated and inconsistent claims undermine the reliability of their evidence.

- 47.** PW5, Smt. Mukta Lata Dasi, the mother of the deceased and arguably the most vital witness, claimed to have witnessed acts of torture by the appellant and his aunt. Yet, she never lodged any complaint, nor did she inform any other relative or the police, and her allegations of witnessing assault at her house were not mentioned during the investigation. This omission is highly unnatural and casts serious doubt on the credibility of her testimony.
- 48.** When this witness's accounts are examined in conjunction with the medical evidence, the inconsistencies become even more pronounced. PW6, Vidyapati Mondal, a quack doctor, opined that the victim was suffering from liver-related illness and did not find

any sign of foul play at the time of attending her. PW13, the autopsy surgeon, observed certain injuries on the body but noted that they could have been caused accidentally, and no poison was detected in the viscera. Even his opinion regarding “unknown poison” remained inconclusive. The medical evidence, therefore, does not substantiate the prosecution witnesses’ claims of sustained physical or mental torture culminating in the victim’s death.

- 49.** The absence of any specific acts of cruelty, lack of contemporaneous complaints, contradictions in the statements of PW1 to PW5, and the indeterminate nature of the medical findings collectively create a serious doubt regarding the prosecution’s narrative. The witnesses’ claims, in the absence of objective corroboration from medical or forensic evidence, fail to meet the standard of proof required under Section 498A of the Indian Penal Code. In order to meet the statutory threshold of offences punishable under Section 498A of the Indian Penal Code, the allegations levelled against the accused must be specific, definite, and supported by material particulars. The law does not countenance accusations that are ambiguous, conjectural, or made in thin air, particularly in prosecution’s involving serious penal consequences.

- 50.** The allegations of cruelty or dowry demand cannot be vague or omnibus in nature. Mere assertions that the deceased or the complainant was subjected to harassment or ill-treatment, without disclosing specific instances, approximate dates, places, nature of acts, or the role attributed to each accused, fall short of the legal standard required to constitute an offence under Section 498A IPC.
- 51.** In the present context, it was noted that the allegations made by the complainant were generalised and devoid of material particulars, rendering them incapable of being tested on the anvil of proof. The complaint and the witnesses did not disclose when, where, or in what manner the alleged acts of cruelty were committed. Nor did it identify any specific conduct attributable to the accused which could reasonably be construed as cruelty within the meaning of Section 498A IPC.
- 52.** Significantly, in the present case, no medical documentation or contemporaneous record has been produced by the prosecution to substantiate the allegation that the deceased was subjected to physical cruelty or bodily injury at the hands of the accused during her lifetime. In cases where allegations of physical ill-treatment or violence are made, it is ordinarily expected that such acts would leave behind some form of contemporaneous evidence, such as medical records, injury reports, treatment

slips, or at least complaints made to authorities or elders at or about the relevant time. The complete absence of such material assumes considerable significance while evaluating the credibility of the prosecution case. In the absence of any medical corroboration, the allegations of physical cruelty remain unsubstantiated and speculative. Bald assertions, unsupported by objective evidence, cannot be elevated to proof, particularly in criminal trials where the standard of proof is beyond reasonable doubt. Courts have consistently held that allegations of cruelty, especially those involving physical harm, must be supported by reliable and tangible evidence, failing which they cannot be safely acted upon.

- 53.** Therefore, in circumstances where the allegations are vague, omnibus, and unsupported by material particulars or corroborative evidence, they fall short of the legal threshold required to sustain a conviction under Section 498A IPC. To hold otherwise would be to permit conviction on suspicion rather than proof, which is impermissible in criminal law. The accused, in such cases, is clearly entitled to the benefit of doubt, and the prosecution case cannot be sustained.
- 54.** In light of the shortcomings discussed in the foregoing paragraphs, I am of the considered view that the prosecution evidence does not disclose any coherent sequence of events

suggestive of persistent cruelty or grave harassment, nor does it establish any specific instance of cruelty as contemplated under Section 498A of the Indian Penal Code. The material gaps in the chain of proof render the prosecution story doubtful. Once such reasonable doubt arises, the settled principles of criminal jurisprudence mandate that the benefit thereof must necessarily be extended to the accused.

55. In view of the above facts and circumstances and discussion made above I am of the opinion that the findings of the learned Trial Court is self-contradictory which is solely based on presumption and, therefore, it is not sustainable under the provision of law.
56. Accordingly, the impugned judgment and order of conviction passed by the learned Trial Court is liable to be set aside.
57. The instant appeal be and the same is hereby **allowed**.
58. The impugned judgment and order of conviction passed by the learned Trial Court dated 04.02.1998 in connection with Sessions Case No. 17(9)94/ Sessions Trial No. 5(4)97 is hereby set aside.
59. The appellant is on bail. He is to be discharged from bail bonds, if he is not wanted in connection with other case.
60. In accordance with the mandate of Section 437A of the Code of Criminal Procedure (Section 481 of the Bharatiya Nagarik Suraksha Sanhita, 2023), it is incumbent upon the appellant to

furnish bail bonds, accompanied by suitable sureties. Such bonds, once executed, shall remain in full force and effect for a period of six months, ensuring the presence of the appellant as required by law and securing the due administration of justice.

- 61.** Let a copy of this judgment allowed with the Trial Court record be sent down to the Trial Court immediately.
- 62.** Urgent Photostat certified copy of this order, if applied for, be given to the parties on payment of requisite fees.

(Prasenjit Biswas, J.)