

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

C.R.R. 1505 of 2011

Smt. Subhra Mondal

-Vs-

The State of West Bengal & Ors.

For the Petitioner : Mr. Arunabha Jana

For the Opposite Party No. 2, : Mr. Pawan Kumar Gupta
4 to 7 : Mr. Sougata Mitra
: Mr. Rameshwar Sinha

For the State :Mr. Avishek Sinha

Heard on : 22.03.2024, 14.05.2024, 17.09.2024

Judgment on : 23.04.2025

Ananya Bandyopadhyay, J.:-

1. The instant revisional application has been filed by the petitioner against the order and judgment dated 03.12.2010 passed by the Learned Additional Sessions Judge, Fast Track Court No. 1, Purulia, whereby acquitted the opposite party nos. 2 to 7 from the charges under Sections 498A/306 of the Indian Penal Code read with Section 34 of the Indian Penal Code in connection with S.T. No. 13/10 arising out of S.C. No. 13/10.
2. The prosecution case precisely stated the petitioner filed a petition of complaint on 05.08.2009 before the Learned Chief Judicial Magistrate,

Purulia under Section 156(3) of the Code of Criminal Procedure alleging, inter alia, that she was married to Bikash Mondal of village Pithadih under Arsha Police Station in 20th June, 2007 and at the time of marriage her father provided a cash of Rs.1,21,000/- along with gold ornaments and other household articles as per the demand of the opposite party nos. 2 and 3. It had been alleged that all the inmates of her matrimonial house including her married sister-in-law and her husband excepting her husband used to inflict torture on her mentally and physically as they were not satisfied with the dowry. Petitioner's husband always tried to protect her from such abuse and torture. The other in-laws demanded a further sum of Rs.50,000/- and as her father could not meet the demand, the torture continued. Her husband had to leave her for earning livelihood, while she was pregnant and was compelled to go for termination of pregnancy in absence of her husband and against her consent. PW-6/Ajit Mondal, the sister-in-law's husband took her to nursing home for termination of her pregnancy. In 2009 she conceived again and the accused persons again entered into a conspiracy to terminate her pregnancy. The husband of the petitioner, in order to rescue her, took her to her father's house and became the subject of incessant attack from the accused persons. They used to insult him and torture him mentally which ultimately led him to commit suicide by consuming poison.

3. Based on the aforesaid complaint, Arsha P.S. Case No. 32/09 was registered. Police took up investigation and after completion of investigation submitted charge-sheet i.e. C.S. No. 34/09 dated

31.10.2009 under Sections 498A/306 of the Indian Penal Code against the accused persons.

4. Charges were framed against the accused persons under Sections 498A/306 of the Indian Penal Code read with Section 34 of the Indian Penal Code to which the accused persons pleaded not guilty and claimed to be tried.

5. In order to establish its case, the prosecution cited twelve witnesses and exhibited certain documents.

6. During the pendency of the instant revisional application, one of the opposite parties viz., Lulki Mondal @ Chhayarani Mondal expired.

7. The Learned Advocate for the petitioner submitted as follows:-

- i. The Learned Trial Judge failed to consider the following evidence of PW-1 who stated in examination-in-chief that, (a) *"My father gave a sum of Rs.1,21,000/- as dowry at the time of marriage"*. She stated again in chief that *"they started demanding a sum of Rs.50,000/- as further dowry"*, (b) *"when I was in father's house my husband once contacted my over telephone and informed that he was being subjected to torture by members of his family. He was denied food"*, (c) *"after my conception my husband went to Delhi for earning livelihood. Sister's husband of my husband took me to Ganga Memorial Hospital at Tata and got my pregnancy terminated without my consent as I was unconscious at that time"*.
- ii. The evidence of PW-4, Golak Mondal who stated in examination-in-chief: *"The husband of my granddaughter loved his wife but members of his family insisted him to leave his wife, but he did not agree. As husband of my granddaughter was put on the continuous*

as tremendous pressure to leave his wife he was compelled to commit suicide by taking poison” was not considered.

- iii. The evidence of PW-7, Sudhir Chandra Mondal, who stated in examination-in-chief that, *“He committed suicide by taking poison as his parents demanded further sum as dowry, a quarrel cropped up in between Bikash and his parents”* was not considered.

8. The prosecution evidence was riddled with inconsistencies, denial and embellishments. The prosecution failed to cite any direct evidence concerning abetment of suicide of the victim being imminently instigated or provoked by the opposite parties to have committed suicide.

9. Vague allegations without any plausible justification cannot incriminate the opposite parties who allegedly had denied food to the husband of the appellant. The inordinate delay of filing the complaint after two months of the alleged commission of suicide by the victim was not explained. Moreover, on an earlier occasion the father of the appellant filed a written statement before the O/C Purulia Police Station indicating his denial of allegations against any person.

10. The prosecution did not narrate any overt act on the part of the individual opposite parties to have been involved in the alleged offence and on the basis of vague, omnibus and general allegations not even remotely related to or connected with the alleged offence, the acquittal of the opposite parties by the Learned Trial Court is absolutely justified.

11. Under such circumstances, the order and judgment dated 03.12.2010 passed by the Learned Additional Sessions Judge, Fast Track Court No. 1, Purulia, under Sections 498A/306 of the Indian Penal Code read with

Section 34 of the Indian Penal Code in connection with S.T. No. 13/10 arising out of S.C. No. 13/10 is affirmed.

12. In view of the above discussions, the instant revisional application being CRR 1505 of 2011 stands dismissed.

13. There is no order as to costs.

14. Case diary, if any, be returned forthwith.

15. Let the copy of this judgment be sent to the Learned Trial Court as well as the police station concerned for necessary information and compliance.

16. All parties shall act on the server copy of this judgment duly downloaded from the official website of this Court.

(Ananya Bandyopadhyay, J.)