

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

PRESENT:

The Hon'ble Justice Apurba Sinha Ray

GA 8 of 2002
The State of West Bengal
Vs.
Goutam Ghosh & Ors.

For the State : Mr. Debasish Roy, Adv.
: 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 father of the victim Madhumita Ghosh @ Joba lodged an F.I.R. dated 03.07.1994 with the Thakurpukur Police Station and upon receipt of the said F.I.R. on 04.07.1994 Thakurpukur Police Case No. 304 dated 04.07.1994 under Sections 498A/34/304B/406 of I.P.C. According to the said F.I.R., Madhumita had married the respondent no. 1 Goutam Ghosh @ Tinku on 11.02.1993 and after her marriage, she was subjected to continuous mental and physical torture by her husband and under direct instigation of her mother-in-law Madhabi Ghosh and father-in-law Gour Hari Ghosh.

2. The de facto complainant alleged that Madhumita 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 Sections 498A/306/406 of the I.P.C. before the court of the Learned Sub-Divisional Judicial Magistrate, Alipore, and subsequently the case was committed to the Learned Sessions Judge, South 24 Parganas, and after taking cognizance, the case was transferred to the Learned Additional Sessions Judge, 3rd Court, Alipore, for trial and disposal. The prosecution has examined as many as 18 witnesses.

3. By judgment and order dated 21.07.2000, the accused persons Goutam Ghosh, Gour Hari Ghosh, and Smt. Madhabi Ghosh were found not guilty under Sections 304B/306/498A of the I.P.C. and they were acquitted from the charges of the case.

4. The State has preferred this appeal on 20.02.2001, challenging the said judgment of acquittal. In spite of service, the accused persons and 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 in challenge before this Hon'ble Court. In spite of service, the accused persons/respondents are unrepresented and hence, the matter is taken up for disposal on merits.

6. In my view, it will not prejudice the respondents even if the service is dispensed with after taking into consideration all materials available on the record and 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 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.)