

IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE

Present:-

HON'BLE JUSTICE CHAITALI CHATTERJEE DAS.

CRA 643 OF 2015
GOURANGA MAITY
VS
THE STATE OF WEST BENGAL

For the Appellant : **Mr. Ayan Basu, Adv.**
Mr. Satadru Lahiri, Adv.
Mr. Sumit Routh, Adv.

For the State : **Mr. Joydeep Roy, Adv.**
Ms. Sujata Das, Adv.

Last heard on : **29.07.2025**

Judgement on : **27.10.2025**

CHAITALI CHATTERJEE DAS, J. :-

1. This is an appeal filed under Section 374 (2) of Cr.Pc. by the appellant against the judgement and order of conviction passed by the learned Additional District and Session Judge ,2nd Court at Contai , Purba Mednipur, in Sessions Trial no. 8/ January/2015 arising out of Egra P.S case No. 36 of 2010 dated 17.3.2010 thereby convicting the appellant herein under Section 235 of the Code of Civil Procedure 1973, for commission of offence punishable under

Section 498-A of the Indian Penal Code ,1860 and sentenced him to suffer rigorous imprisonment for 2 years and to pay a fine of Rs 2000/-I default to suffer further simple imprisonment for three months.

Brief resume of the prosecution of the case

2. Briefly stated, the marriage between the de-facto complainant and the appellant was solemnized on March 10, 2008 as per Hindu rites and custom and during marriage on demand of the appellant the de-facto paid Rs. 50,000/- as dowry and spend approx Rs. 3 lakh. After marriage they led conjugal life at the matrimonial home with all the accused person including the father-in-law but after few months the problem cropped up between the parties as they started pressurizing her for bringing an amount of Rs. 1 lakh from her father and as the de-facto complainant expressed her inability she was subjected to cruelty by assault and abuse in various ways. In the meantime they blessed with a male child but during birth of the child none attended the Nursing Home and nor contacted her and then she started residing at her father's house .There was an attempt to settle the dispute with the intervention of panchayet but failed and later before Egra P.S assured proper treatment and took her with her child to the matrimonial home. The father in-law during her stay at her matrimonial home taking advantage of the absence of her husband often gave her ill proposal and tried to outrage her modesty for few times. On intimation to this fact none of her husband or mother-in-law paid any heed to the same rather asked her not to divulge before any person. On February 15, 2010 at 7 A.M. on the plea of having fault in household work all the F.I.R named accused persons started assaulting her

with fists ,slap, kick and blow on her abdomen and other parts of her body and the appellant hit her with a rod on the left side of her head as she shouted for help he fled away from the house and as assault of such she received bleeding injuries on her left side of her head and then she came to her father's house in that condition and narrated everything to her father and then she took her to Darua Hospital and arranged for treatment . After that she lodged the complaint on March 17, 2010. On the basis of such complaint the Egra P.S case no. 36 of 2010 started under Section 498A /325/307/34 IPC. After completion of investigation the charge-sheet was submitted against all the three accused persons under aforesaid sections read with Section 3 and 4 Dowry Prohibition Act. The Learned Court framed the charges under section 325/498A /307/34 IPC and the trial commenced since the accused pleaded not guilty. The learned Court after hearing and assessing the evidences adduced by the prosecution witnesses passed the order of conviction against the appellant /husband and acquitted the other two accused persons. Being aggrieved thereby this appeal has been filed for setting aside the said judgement and order of conviction.

Submissions

3. The Learned Advocate appearing on behalf of the appellant argued that after the marriage the de-facto stayed about only 5/6 months at her matrimonial house but lodged three other cases against the appellant and in all the three cases the appellant/husband has been acquitted. She is in a habit of lodging frivolous complaint with false and concocted story only in order to harass and malign them .In other complaint also similar nature of allegations was levelled

against the appellant and since order of acquittal has been passed in his favour, a fresh complaint was lodged only to rope him in the false case. It is further argued that the alleged incident occurred on February 15, 2010 when the complaint was lodged on March 17, 2010 that is near about a month and no explanation has come to that extent. No document was produced to substantiate the attempt of settlement on 16.06.2009. Furthermore glaring inconsistencies and deviations can be found from the evidence of the de-facto complainant than what was stated in the written complaint with only plea of forgetting to mention and these clearly manifest the ulterior motive of the de-facto complainant as to how she tried to implicate the petitioner falsely. The entire written complaint was full of omnibus allegation, exaggerated as admitted by P.W. 1. The other witness P.W. 5 adduced evidence on behalf of the de-facto complainant in all the other cases filed by her. P.W. 3 though did not support the prosecution case was not declared as hostile. P.W. 9 member of Gram panchayet who failed to produce any relevant document about the alleged salishi. The evidence of P.W. 10, the doctor could be make out a case to attract the ingredients of Section 307 IPC. Lastly all the witnesses were examined belatedly without assigning any reason therefor by the I.O. It's a clear case of embellishment since most of the facts were placed before the court for the first time.

4. The Learned Prosecution on the other hand argued that the learned Court passed the order after assessing the evidences adduced by the prosecution witnesses. In this case in order to bring home the charges the prosecution has cited 10 witnesses and P.W. 2, 4 and 5 corroborated the prosecution case and P.W. 8 being the Panchayet member proved that the salishi was held and the

dispute between husband and wife was proved. It is further contended that the order of acquittal in favour of the husband in other cases does not ipso facto redundant the dispute existed between them when the injury sustained by the de-facto complainant was duly proved and there may be minor mistakes and omission but that cannot be fatal for prosecution case. Accordingly prayed for dismissal of the appeal.

Analysis

5. Heard the submissions of the Learned Advocates. On careful perusal of the entire facts and circumstances and on the basis of the argument as advanced by both the learned prosecution and the defence counsel the seminal issue now falls for consideration is as to whether the prosecution has been able to prove the case beyond all the reasonable doubt .
6. In this case the charges framed by the court against other accused persons but all are acquitted as the prosecution has not been able to prove the charges beyond reasonable doubts .That apart the other charges like 307/323 IPC and Section 3 & 4 of the Dowry Prohibition Act has also not been proved against the appellant and the prosecution has not challenged the same.
7. In this case the P.W. 1 is the de-facto complainant ,P.W. 2 is the father of the de-facto complainant, P.W. 3 and P.W.5 are the neighbours of the de-facto complainant , P.W.4 Nemaï Jana is the relative of de-facto complainant ,P.W. 6 is the priest and P.W. 7 is the barber who were present in the marriage, P.W. 9 is the member of Sarboday Sarbojanin Gram Panchayet ,P.W. 10 is the doctor who adduced evidence to prove the case other than the police persons.
8. From the deposition of P.W. 1 some new facts and incidents can be found which were not mentioned in the written complaint. The nature of torture

inflicted upon her as described by her was using of filthy languages, not serving adequate food physically assault. Her evidence manifest an attempt was made by her father to settle the dispute but since her in-laws and the husband learnt about her pregnancy she was sent to her father's house where she gave birth to a male child. Her testimony further revealed for the first time that the appellant even denied his paternity of the child. Her father tried took the assistance of Atbati G.P to settle the matter but her husband or in-laws did not turn up there but went to Egra P.S and promised in writing that that they would not inflict any torture upon her in future and with such assurance she went to her matrimonial house. The evidence of P.W. 1 further when mentioned the date in her father -in -law tried to outrage her modesty on February 14, 2010 and despite intimation to her husband and in-laws but no attention was paid. That apart she faced serious torture on February 15, 2010, when her husband with an intention to kill her fastened her neck with a nylon thread and also assaulted her with fist and blows and also kicked her at her abdomen as a result she sustained bleeding injuries at her private parts .On that date she was driven out from her matrimonial home and since then she is residing at her parent's house.

- 9.** The delay in lodging the complaint is explained as to was filed after being treated at S.D Hospital. She Lodged of three cases against her husband by the de-facto can be found and another case filed against her husband on 1st June 2012 where after trial he got order of acquittal. She lodged a complaint of cheating against her husband being C.R no -137 /2010 and he got order of acquittal from that case also. Interestingly She admitted certain facts which would further create enough confession about the foundation of the entire

case. Like some interpolation and over writing in the date 17.3.2010 in her complaint where the date “14.2.2010” was not mentioned. She did not utter about any incident dated 14.2.2010 due to memory failure she stated this the Court for the first time. The denial of her husband of his paternity of the child was also not mentioned in her written complaint though it was within her knowledge and for the first time she spoke about the same. Similarly despite having knowledge she did not mention that her husband tried to kill her by throttling. Interestingly she also said that her husband hit her head with a rod but she did not receive bleeding injuries but sustained bruise mark which was not mentioned in the written complaint. She was treated by doctor on 15.2.2010 and her sari (petticoat) were soaked with blood as she suffered injury at her private part. She further stated to have very good relation with her in-laws but she raised voice when she was physically assaulted by them. She further said that she wrongly mentioned that she received the injury on her left side of her head in the written complaint and the allegation was wrongly inserted.

10. The above evidence clearly manifest that most of the allegations mentioned in the written complaint were either wrongly mentioned or it was omitted due to memory loss and stated for the first time before the court. It is indeed a settled proposition that a written complaint need not contain each and every details of the incident as it is not an encyclopedia but the when it relates to her own injury suffered on account of the blow inflicted upon her by the husband, in order to kill her causing injuries on her left side of the head, is said to be inserted wrongly, cannot be considered as a minor mistake. Furthermore total omission of the fact that her husband tried to kill her by

strangulation with a nylon thread, in the written complaint when specific allegation made therein that he hit her with a rod on her head ,cannot also be ignored as a simple mistake. There is an inordinate delay in lodging the complaint and the written complaint was silent about such inordinate delay. While adducing evidence before the court the reason can be found, due to her illness and it raises serious doubts about the prosecution case.

11. P.W. 10 Dr. Hemantika Dey deposed that on 15 .2.2010 she was posted at Contai S.D hospital as M.O. and on that day she examined the de-facto complainant and found that ecchymosis of 3' long below thyroid cartilage 1' wide .Nylon rope strangulation suggested. She further found that pain in abdomen bleeding P.V kick blow over abdomen suggested, pain anterior chest painful breathing. Fist and blows suggested of the patient she was assaulted by her husband, Dhirendra Maity and Jhanabi Maity. She further suggested sharp cutting injury of left scalp 1 ½" long use of lathi . She proved the injury report. Interestingly in his cross examination she said she was not confirmed that strangulation was made by nylon rope as per the report. Furthermore all the injuries occurred in the body of the patient was not confirmed but she suggested the same. She did not mention the colour of ecchymosis in her injury report and the colour generated with the passage of time. She did not examine the private part of the patient clinically and it was not possible for her to say that the bleeding came out from her private part was on account of injury or due to menstruation. The carbon copy of the injury report marked with exhibit 3 reveals that the date and time of examination was on 15.1.2010 at 12.40 P.M. without any date of occurrence. The de-facto complainant in the suggestion put to her specifically said that she was treated on 15.2.2010 and

also denied that she was not treated on 15.2.2010. From her evidence it is glaringly visible that no injury was sustained by her in her head as stated in the written complaint which later on said to have been inserted wrongly.

12. The father of the de-facto complaint who deposed as P.W. 2 makes the situation more complicated as he specifically said that on 15 .2.2010 at about 7.30 P.M his son- in-law and his parents tried to kill his daughter as he heard from her daughter that her father-in-law assaulted her on her head with an iron rod and her husband tried to kill her twisting nylon rope on her neck. Her daughter managed to escape and went to his place and they took her to Contai Hospital where after treatment she was released. The victim lady never said that her father in law hit her on her head with iron rod and in fact her depositions clearly confirm that fact of sustaining injury on her head was incorrectly inserted.

13. The Learned Court accepted the injury report but despite having ecchymosis with suggestion of nylon rope did not pass the order of conviction against this appellant for the offence committed under Section 307 IPC as the glaring discrepancies can be found regarding the date of occurrence and the testimony of the de-facto complainant.

14. The Evidence of the father further discloses that the parents-in law demanded Rs. 1 lakh from him on the plea that the articles were given was of poor quality and as he could not fulfill the demand, his daughter was tortured and she was not provided with proper maintenance, used abusive languages raising her caste. The further development of the case can be found as stated that after birth of the baby when he informed the appellant he was told to kill the baby and also did not turn up to took his daughter ,then he

informed the Gram Panchayet member of Sarboday G.P. both verbal and in writing. A meeting was conveyed on December 8, 2009 at Egra P.S to resolve the dispute where the appellant executed a written declaration to the effect that he would not inflict torture upon her daughter and only after that he took his daughter. After that the father-in-law started behaving with her indecently and further tried to outrage the modesty of her daughter. He also informed the police over telephone but no action was taken so he went to Egra P.S on 17.3.2010 and lodge the complaint.

15. So immediately after the alleged incident happened on 15.2.2010 his daughter came to his house then it is obvious that he would notice the injuries if any sustained by her or what are the other features which were apparent suggesting the nature of torture inflicted on her. In his cross examination he said he did not see any bleeding injuries on the head but noticed swelling over right side of her forehead and it was blackish which was taken note by the doctor, her saree was in torn condition. He specifically denied that he stated to the I.O that her daughter came to her place with severe bleeding injuries at the left side of her head. He further said that on 15.2.2010 before coming to Contai S.D. Hospital he did not lodge any complaint at Egra P.S due to illness of his daughter. The doctor did not advice the patient for admission and no medicine was prescribed by her .Therefore when the allegation was made strangulation by twisting nylon rope on her neck on the same day and doctor suggested Ecchymosis then it was obvious there would be some manifestation which ought to have been noticed by the father but nothing can be found to that extent and version the de-facto stated that injury on her left side of her head caused due to hit on her head by her husband was wrongly inserted.

With the father's denial of stating any bleeding injuries on her head only suggest that none of the father and daughter is discussed the truth

16. P.W. 4 Nemai Jana being a relative of the complainant deposed that he was present in the salishi and subsequently the accused tortured her on demand of Rs. 1 lakh. He failed to recollect the date when the salish took place but said 150/200 people assembled there. Though stated that the minute of the meeting of salish were reduced into writing, he could not recollect whether he put his signature there or not. He lastly met with de-facto complainant on 15.2.2010 when it is alleged she returned to her father's house in injured condition and discussed about the matter at her matrimonial house.

17. P.W. 5 Biswanath Maity also echoed the same version as of the P.W. 4 that on demand of Rs 1 lakh the torture inflicted. He and Sunil Dolui tried to settle the dispute amicably and held a meeting at the house of the maternal aunt of the appellant but no document was prepared. According to on 15.2.2010 she was tortured and was driven out from her matrimonial house but he cannot say the means of assault and deposed that they had the intention to kill her. During cross-examination he denied to meet Putul Maiti/de-facto at her matrimonial house, nor could recollect when met with her last time at her father's house and he heard those facts of torture and failed to provide any date. None of the above witness deposed the nature of torture inflicted upon the victim excepting some displeasure about her treatment when she raised serious allegations against her husband and in-laws. The evidence of P.W. 6 the priest and P.W. 7 being the barber of the marriage has got no such relevance in this case.

18. P.W. 8 Debendranath Jana a friend of the father of de-facto complainant spoke about a village salish and a settlement arrived but on repetition of the torture a further salish took place at Egra P.S. and it was settled and she went to her matrimonial home. After that again she was inflicted with torture and she received bleeding injuries on several parts of her body and went to her paternal home. This witness further deposed that she was assaulted with lathi and rod and was treated at the hospital. From his cross-examination it revealed that he went to Egra Police Station along with the father of De-facto complainant as he had good relation with him having house adjacent to the house of P.W. 2. His evidence further disclosed that he saw Putul first time on 15.3.2010 coming from her matrimonial home to her paternal house. He saw mark of injury on her hand, back and legs but he did not see the wearing apparel of putul Maity soaked in blood .He did not say before the police that he heard the incident of marpit from Putul. So firstly the date is on 15/3/2010 not 15/2/2010 and then the mark of injury differs . Even if for a moment it is considered that the date has been mentioned incorrectly then also the question arises as to how the versions differs from person to person .

19. P.W. 9 Purnendu Sekhar Das adduced evidence being a member of Gram Panchayet, that an application was received from the de-facto complainant alleging torture by her husband and in laws on demand of additional dowry and thereafter a notice was issued upon both the parties. The salish took place in the year 2009 in presence of both the parties. He produced a photo copy of the notice marked with x for identification but could not produce the application and it was not handed over to police .He further said in that salish, direction was given to Putul to return to her matrimonial house and she

went there. In his cross he said that Sukla Mondal was the prodhan of that Gram Panchayet and she did not adduce evidence. P.W. 11, the scribe is the maternal uncle, who wrote the complaint as per instruction of Putul Maiti. He could not give any date on which he went to the house of Putul Maiti. The fact of torture upon her has been stated for the first time before the Court. According to him Putul used to come to her parents house with her husband. P.W. 12 Lakhsman Chandra Dolui filled up the formal F.I.R and was endorsed to investigate the case. From his cross-examination it can be gathered that he started the investigation on 17.3.2010. He denied the fact stated by the father of de-facto before him that after birth of the baby the appellant told him to kill the child or that there had been a meeting at Egra P.S on 24.4 10 and 8.12.2009 and the appellant undertook not to torture her .He also did not say that appellant took Putul from Egra P.S. to his house. P.W. 5 did not state before the I.O. that Gauranga demanded Rs. 1lakh from Putul and this fact was conveyed by Putul to her father and that this witness had good relation with her father he came to know from him. He also did not tell him about any meeting.

20. On scrutinizing the entire evidences the undisputed fact was that the marriage was solemnised on March 3, 2008 and at the time of marriage the father of the de-facto complainant had to incur the expenses of the marriage. The appellant and the de-facto complainant lead a happy conjugal life and they visited the paternal home of the de-facto complainant and the de-facto complainant had a very good relation with her in-laws and they were blessed with a male child. During her pregnancy she resided at her parent's house and from there she was taken to her matrimonial house. A marital discord cropped

up between the de-facto complainant and the present appellant and her in laws for which she filed 3/4 case against her husband and in-laws including a divorce case. They got order of acquittal from all the three criminal cases. She was treated by doctor of Contai SD Hospital on 15.2.2010 (disputed since the carbon copy of the injury report is dated 15.1.2010) .She is residing at her parents' house since after 15.2.2010.

21. The glaring discrepancies found as discussed about the salishi held on two occasions before lodging the written complaint. Pursuant to the written complaint after birth of child as none attended the Nursing Home, the father tried to settle the dispute with the help of Gram Panchayet of Sabodaya Gram Panchayet but failed .Later at Egra P.S the husband undertook not to torture upon her and took her to her matrimonial home. According to her father after her marriage the parents in law demanded Rs. 1 lakh and they did not provide proper maintenance and also abused her so he went to settle the dispute on good number of times. He could not provide a single date when such incident of abuse took place or when such attempt was made to settle the dispute or any physical assault on her daughter took place or not. However after birth of child, he took the help of gram panchayet member to resolve the dispute and the Gram Panchayet called both the parties but the appellant did not turn up and subsequently they sat in a house near the matrimonial place. No date of such sitting was mentioned. On 8.12.2009 at Egra P.S the meeting was convened but the I.O did not collect any material as to whether the parties were called by the I.O .The Gram Panchayet member could not produce the resolution taken during the meeting. The prosecution did not produce the undertaking as alleged to be given by the Appellant not even the application on

the basis of which the alleged notice was issued. The learned trial court relied upon the evidence of the P.W. 1 and her father and the injury report and passed the order of conviction under Section 498-A IPC when passed order of acquittal in respect of other charges. From the evidence of all the witnesses there remains no doubt that there existed a continuous impasse between the de-facto complainant and her in laws regarding day to day affair which subsequently culminated into lodging of numerous written complaint. Curious enough the I.O did not examine any of the witness from the locality of the appellant qua the matrimonial house of the Complainant. Excepting the date when finally the incident of assault took place no other date can be found which would substantiate that she was subjected to cruelty as described in Section 498 A of IPC. In fact the learned Court passed the order of acquittal against the parents in law as the prosecution failed to inspire confidence of the Court in establishing the charges against them beyond all reasonable doubts. Prosecution has not challenged the said order of acquittal. Hence the other allegation of cruelty on account of demand of more money is to be considered as not proved against the appellant. This has left the Court only to deal with the incident on 15.2.2010 when she was subjected to physical assault by the appellant. The glaring inconsistencies embellishment and unexplained situations which obviously create doubt over the prosecution case.

22. The de-facto in her written complaint mentioned the date of incident on 15.2.2010 when she was hit by her husband with iron rod over her head and she sustained severe bleeding injury on her left side of her head. She in her evidence clearly stated that she did not sustain bleeding injury but only

bruises and the said fact was mentioned wrongly and her husband put nylon rope twisted on her neck and tried to strangle her with an intention to kill her. Her father found her having bruises on her left side of head but nothing said about any ecchymosis which the doctor of the hospital suggested. The father said further said she was tried to be killed with nylon rope as well as with a blow on her head with Iron Rod. The injury report is dated 15th January 2010 not 15th February 2010 and the specific suggestion given to her about the date was denied by her which suggests the date of incident happened on 15.2.2010 not on 15.1.2010. The P.W. 5 who saw her coming from her matrimonial house on 15.3.2010 in the morning with certain injuries on her hand ,leg and back but did not find any bruises on her head nor any mark of injury on her neck. The doctor did not record the diagnosis on the injury report or what she found on examination of the patient and did not prescribe any medicine and not advice for admission but only recorded the suggestions. In fact he admitted that the ecchymosis, mild swelling on scalp and muscle can be generated accidentally coming in contact with hard substances.

23. Therefore in summation of supra it is found that there are three date of occurrence those are 15.2.2010,15.1.2010 ,14.2.2010 and 15.3.2010 and out of this the victim herself mention15.2.2010 and 14.2.2010 and none of the date was on account of typographical mistake by the Court as it is clear from the evidence.It is difficult to accept that the de-facto complainant who can lodge 3/4 criminal cases, matrimonial suit for divorce , make an allegation against her aged father in law attempting outraging her modesty, failed to include the allegation of throttling by her husband in the written complaint or simply missed out to mention in the written complaint about the incident due

to loss of memory. More so the complaint was written as per her instruction and she signed after the contents were read over and explained to her. She divulged all those facts for the first time before the Court .That apart she never mentioned about any injury in her private part which she stated before the Court and this fact was not corroborated by any of the witness .In the said injury report also it was not mentioned. The doctor clearly stated that he did not clinically examine her. So it is clear that she although tried to make out serious allegations against the appellant and in laws, embellished with the passage of time and divulged before the court in exaggerated form, ultimately failed to inspired confidence raising serious doubts over her testimony.

24. The inordinate delay in lodging the written complaint was only substantiated while adducing evidence only with the explanation of her illness without giving any iota of evidence to the same. This fact was not corroborated by any of the witness. The learned court though framed the charge under Section 498-A/325/307/34 IPC but did not find any ingredients to attract the charges and passed the order of conviction only under Section 498-A IPC. In a very recent decision in ***Dara Lakhshmi Narayana and others vs State of Telengana***¹ it is observed by the Hon'ble Supreme Court ;

28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within

¹ 2024 INSC 953

the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife .Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

In another decision reported in ***Achin kumar Gupta vs State of Haryana***² the complaint was lodged against the husband and the family members under Section 498A /323/406/and 506 IPC alleging cruelty and demand of dowry but the F.I.R was lodged after 11 months after she left out the matrimonial house and the Hon'ble Supreme Court quashed the F.I.R s found the allegations are vague and lacking specific incident of harassment and if allowed to continue it be travesty of justice. Though the above judgements are regarding quashing of the F.I.R but the observations of the Hon'ble Supreme Court and also innumerable cases shows the glaring misuse of the provision of Section 498-A which has practically frustrated the incorporation of the provision by the legislature.

² 2024 INSC 369

Conclusion

- 25.** Therefore in view of the above facts and circumstances and after giving an anxious consideration of the entire aspect and after assessing the evidences and the discrepancies found there is no room to doubt that the prosecution has miserably failed to prove the case beyond all reasonable doubts and hence the judgement and order of conviction is liable to be set aside.
- 26.** Hence this criminal Appeal stands allowed. In view of that all other connected applications are hereby disposed of.
- 27.** The Judgement and order of conviction passed by the learned Court is hereby set aside.
- 28.** Urgent certified copy of applied be given at an earliest subject to fulfilment of all other requirements.

(CHAITALI CHATTERJEE DAS,J.)