

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

C.R.A. 753 of 2015

With

CRAN 2 of 2023

Sabyasachi Roy @ Rana Roy
-Vs-

The State of West Bengal

For the Appellant : Mr. Debanjan Chatterjee
Mr. Anirban Banerjee
Mr. Sayantan Banerjee
Ms. Kakan Das
Ms. Rimpa Adhikari
Mr. Sourav Saha

For the State : Mr. Madhusudan Sur, APP
Mr. Monoranjana Mahata

Reserved On : 19.05.2025

Pronounced On : 14.08.2025

Rajarshi Bharadwaj, J.:

1. The appeal is directed against the judgment and order dated 07.10.2015 passed by the Learned Additional Sessions Judge, Bolpur in connection with Sessions Trial No. 2 of 2015 corresponding to Sessions Case No. 42 of 2015

arising out of Bolpur Police Station Case No. 171 of 2015 dated 13.04.2015 thereby convicting the appellant under section 302 of the Indian Penal Code (hereinafter referred to as 'IPC') and sentencing him to undergo imprisonment for life and pay a fine of Rs. 10,000/-.

2. The prosecution case, in brief, revolves around a gruesome incident that took place on 13.04.2015 at approximately 2:30 P.M. On the said date and time, the appellant arrived at the residence of his sister-in-law, Priya Laha, on a motorcycle bearing registration number WB 54B/5780. At that point, Priya and her minor daughter, Ankita, were present inside the house, which was located within the jurisdiction of Bolpur Police Station.

3. It is alleged that soon after the appellant entered the premises, the peace of the household was disturbed by loud cries and commotion. These alarming sounds were heard by Nayan Kumar Laha, a close relative of the victim and the defacto complainant in the present case. Responding to the distress, he rushed to Priya's residence, whereupon his arrival, he found Ankita lying on the floor in a distressed state. He allegedly saw the appellant pouring kerosene and setting Priya Laha on fire. Priya was reportedly lying on the floor near the Thakurghar and was rapidly being engulfed by flames.

4. In an attempt to rescue the victim, Nayan Kumar Laha immediately tried to extinguish the fire and save Priya from further injuries. However, before he could restrain him, the appellant managed to flee from the scene. During these moments, Ankita reportedly informed the complainant that it was indeed the appellant who had poured kerosene oil on her mother and set her ablaze. Priya Laha was thereafter rushed to the hospital, but despite medical efforts, she succumbed to her injuries and was declared dead.

5. Following the incident, it is further alleged that the neighbours of the appellant, upon being informed of the events, succeeded in apprehending him. Thereafter, a written complaint was lodged by the de facto complainant, Nayan

Kumar Laha, with the Inspector-in-Charge of Bolpur Police Station, resulting in the registration of Bolpur Police Station Case No. 171/2015 dated 13.04.2015 under Section 302 of the IPC.

6. Subsequent to the registration of the case, the matter was taken up for investigation by the concerned police authorities. After conducting a preliminary inquiry, recording of witness statements and collecting relevant evidence, the Investigating Officer filed a final report in the form of Charge Sheet No. 275/2015 dated 12.07.2015, thereby formally accusing the appellant of having committed an offence punishable under Section 302 IPC. The Learned Additional Chief Judicial Magistrate, Bolpur, upon perusal of the charge sheet and accompanying documents, was pleased to take cognizance of the offence and in due course, after compliance with the necessary procedural formalities, the case was committed to the Court of Session for trial.

7. Upon committal, the matter was registered as Sessions Case No. 42 of 2015 and subsequently transferred to the Court of the Learned Trial Judge, where it was re-numbered as Sessions Trial No. 2 (August)/2015. On 29.08.2015, the Learned Trial Judge framed a formal charge against the appellant under Section 302 IPC. The contents of the charge were read over and explained to the appellant in vernacular, to which he pleaded not guilty and claimed to be tried. In the course of the trial, the prosecution examined 13 witnesses and exhibited several documents.

8. Upon completion of the trial, the learned Additional Sessions Judge, by judgment and order dated 07.10.2015, convicted and sentenced the appellants in accordance with law.

9. The Learned Counsel appearing for the appellant has contended that the testimony of PW-2 suffers from inherent contradictions and lacks credibility. It is argued that there is no clarity as to whether PW-2 came from the house of PW-1 or emerged from the adjacent room after hearing the altercation. Such

ambiguity casts serious doubt on her presence at the place of occurrence. Further, her post-occurrence conduct is said to be unnatural, as she admittedly made no effort to douse the fire, despite being mature enough, having completed her Madhyamik Examination. It is further submitted that PW-2 had previously stated that the appellant had proposed marriage to the deceased, which was opposed by PW-1 and PW-2. This, according to the appellant, establishes prior animosity and provides a motive for false implication. Reference is also made to the existence of a life insurance policy in the name of the deceased, which, if the death were to be ruled a suicide, would disentitle the family from any insurance claim, thereby allegedly providing a further motive to project the incident as homicidal in nature.

10. The learned Counsel also highlights that the minor witness was in possession of a mobile phone, thereby suggesting the possibility of her version being influenced or manipulated. With respect to PW-3, it is submitted that he is a related, hearsay and post-occurrence witness who attempted to pass off as an ocular witness. His testimony, it is submitted, supports the defence theory of suicide, particularly in light of his statement that the victim's burnt hair was found in the *Thakurghar*, which he claims was the actual place of fire.

11. A specific inconsistency is pointed out regarding the arrest of the appellant. PW-3 claimed that one SI Mousumi Mukherjee had arrested the appellant at the instance of villagers, but the Investigating Officer (PW-13) categorically denied the existence of such an officer and no such witness was produced by the prosecution.

12. Further reliance is placed on the testimony of PW-4, the scribe of the FIR, who deposed that PW-1 was not present at the scene when he arrived and that he was never examined by the police, thereby contradicting the prosecution's version.

13. It is also submitted that PW-12, the autopsy surgeon, did not opine on the nature of death as whether homicidal, suicidal or accidental and such omission significantly weakens the prosecution case. Further with regard to the place of occurrence, it is contended that although the covered verandah was initially indicated as the place of incident, the only seized articles, a burnt lighter and a jhulanjharu, were recovered from the *Thakurghar*, which supports the defence theory of self-immolation. The Investigating Officer admitted that the scene had been disturbed and that no matchstick or matchbox was recovered either from the appellant or the premises.

14. Finally, it is submitted that the prosecution has failed to establish the motive, presence and means employed by the appellant to commit the alleged offence. The learned Counsel has argued that material contradictions, absence of corroborative evidence and procedural irregularities render the prosecution case wholly unreliable and hence, the conviction is liable to be set aside.

15. The Learned Counsel for the State submits that in the present case, the prosecution has examined thirteen witnesses in support of its case. Amongst them, the prosecution strongly relies upon the testimonies of P.W. 1 Nayan Kumar Laha, P.W. 2 Ankita Laha, P.W. 12, the post-mortem doctor and P.W. 13, the Investigating Officer. These witnesses have provided a consistent and credible account of the events surrounding the gruesome murder of the victim, Priya Laha.

16. P.W. 1 and P.W. 2 are the most crucial ocular witnesses who were present at the scene of occurrence and have given vivid and detailed narrations before the Learned Trial Court regarding the manner in which the victim was murdered by the Appellant, one Rana Roy. Both these witnesses have also given their statements under Section 164 of the Code of Criminal Procedure. It is significant to note that both witnesses have been thoroughly cross-examined

by the defence; however, nothing material has surfaced to cast any doubt on their credibility or the truthfulness of their testimony.

17. P.W. 1 has further deposed that upon raising an alarm, local people gathered at the place of occurrence and apprehended the Appellant from the house of the victim. Additionally, the motorcycle of the Appellant was also seized from the said premises. This fact further corroborates the presence of the Appellant at the scene of the crime and supports the prosecution's version of events.

18. P.W. 12, the doctor who conducted the post-mortem examination, has clearly opined that the death of the victim was caused due to the effect of burn injuries which were ante mortem in nature. This medical evidence aligns with the statements of the eyewitnesses and confirms the homicidal nature of the death. The cause of death, as established through medical examination, thus supports the prosecution's case. P.W. 13, the Investigating Officer, has corroborated the sequence of events as narrated by P.W. 1 and P.W. 2. The Investigating Officer's testimony strengthens the prosecution's case by establishing the chain of circumstances and no discrepancies have been found in the course of investigation that would discredit the same.

19. During his examination under Section 313 Cr.P.C., the appellant was provided with an opportunity to explain the incriminating circumstances appearing against him. However, instead of offering a plausible explanation, he initially denied having gone to the house of the victim altogether. It is only at a subsequent stage that he admitted to his presence there by stating that he was assaulted by the villagers. Notably, he did not claim that he had gone to the victim's house at the request of P.W. 2 Ankita Laha. This contradiction in his stand and his evasiveness casts serious doubt on the veracity of his defence.

20. The burden was upon the appellant to explain the circumstances under which he was found at the victim's residence, the reasons for engaging in an

altercation with the victim and her daughter, the application of criminal force and above all, his conduct in fleeing from the spot while the victim was on fire instead of making any attempt to rescue her. His failure to offer any satisfactory explanation under Section 313 Cr.P.C. adds to the incriminating evidence already brought on record.

21. In view of the aforesaid circumstances, it is submitted by the State that the prosecution has been successful in proving the guilt of the appellant beyond all reasonable doubt. The oral, medical and circumstantial evidence has collectively established a complete chain of events pointing unerringly towards the guilt of the Appellant. Therefore, the judgment and order of conviction and sentence passed by the Learned Trial Court is just and in accordance with law and deserves to be affirmed by this Court.

22. We have heard learned Advocates for the parties and have gone through the evidence of record meticulously which reveals as follows:

I. P.W.1, is the elder sister of Late Subhash Chandra Laha and the sister-in-law of the deceased, Priya Laha. She is also the paternal aunt of Ankita, the daughter of the deceased. PW1 is the informant in the instant case and a direct ocular witness to the events that culminated in the unfortunate death of Priya Laha. In her deposition, PW1 has categorically stated that on the 29th day of Chaitra, at around 2:00–2:30 PM, while she was standing near the road with her grandson, she heard the cries of Ankita, her niece, from the residence of her late brother, located a few cubits away. Responding to the distress call, she immediately proceeded to the house, leaving her infant grandson on the Atchala of the Durgamandap. Upon entering the premises, she found Ankita in a distressed state, stating that her mother was being killed. Inside the house, she found her sister-in-law Priya completely drenched in kerosene, with the accused Rana Roy present in the same room. PW1

further deposed that when she confronted Rana Roy regarding his assault on Ankita and asked Priya to leave the room, the accused suddenly lit a matchstick and hurled it towards Priya, thereby setting her ablaze. She raised an alarm but the neighbours could not muster the courage to intervene. Priya, while engulfed in flames, attempted to ascend the stairs but succumbed to her injuries in the hospital later that day. PW1 also stated that she instructed her neighbour Basudev Lohar to pen down the statement which she signed and submitted to the police. She further identified her judicial statement made before the Magistrate and confirmed her presence during the inquest of Priya's body. During cross-examination, PW1 remained firm on material aspects and denied all suggestions indicating false implication or lack of credibility. She also clarified the layout of the house, the location of Priya at the time of the incident and the sequence of events, maintaining that the accused threw the lit matchstick on Priya after her arrival at the scene. The testimony of PW1 is found to be coherent, cogent and consistent with the other material evidence on record.

Despite an extensive and detailed cross-examination, no material contradiction or exaggeration could be elicited to discredit her version. Being a natural witness, related to both the victim and the place of occurrence, her presence at the scene is most natural.

- II.** P.W.2, is the minor daughter of the deceased. At the relevant time, she had returned to her parental home after completion of her secondary examinations and was residing at her uncle Nayan Laha's house. PW2 is a natural and competent witness, being an eyewitness to the incident that culminated in her mother's death. PW2 has categorically stated that on the fateful day, upon returning home, she found the accused present in their house. Her mother was drenched in kerosene oil and an

altercation was ongoing between her and the accused. When PW2 intervened, the accused physically assaulted her by pushing her, causing her to fall on the staircase. Upon her cries for help, her paternal uncle arrived and lifted her. It is then that the accused threw a lit matchstick at her mother, setting her ablaze. Though the co-villagers attempted to restrain the accused and douse the fire, the victim succumbed to her burn injuries the same day. During cross-examination, PW2 reiterated that she had witnessed the accused assault her mother and pour kerosene over her. She specifically denied the defence's suggestions that her mother had poured kerosene on herself or set herself on fire using a gas lighter or 'jhuljharu'. She denied any insinuation that the incident was a suicide or that there had been a conspiracy to implicate the accused due to familial opposition to a proposed marriage between him and the deceased.

- III.** P.W.3, a resident of the same village as the deceased, Priya Laha and the accused, deposed that on the 29th day of Chaitra (approximately five months prior to his testimony), at around 2:00 to 2:30 PM, he was at his residence when, upon hearing commotion, he proceeded to the house of Priya Laha. Upon arrival, he found her lying deceased inside the *Thakurghar*. He was informed by Ankita Laha, daughter of the deceased, that the accused Rana Roy had set Priya Laha on fire. The witness further stated that the police seized certain items from him, including a kerosene oil container, a partially burnt sari, a broken gas lighter, a *tuljharu* (broom) and a shirt. He could not confirm whether a seizure list or documentation was prepared at the time of said seizure. He, however, identified his signature on the seizure list, which he admitted to signing upon the request of the police. He identified the accused in Court and stated that the accused had been apprehended by local residents.

During cross-examination, PW3 stated that Priya was his niece and he was her *meromoras* (maternal uncle). Nayan Laha, another co-villager, was related to him distantly. He further stated that the accused Rana Roy used to frequently visit the residence of Priya Laha, by which he became acquainted with him. His own residence is approximately 200 meters away from that of the deceased. He knows Utpal, a carpenter by profession residing in a nearby village, Donaipur. Utpal also used to visit Priya's residence; however, he could not confirm whether Utpal acted as a guardian in the absence of Subhash, Priya's husband. PW 3 further testified that neither a matchbox nor matchsticks were found inside the *Thakurghar*, and he was unaware whether any such items or tobacco products were recovered from the accused. He could not recall if he informed the Investigating Officer (IO) that at the relevant time, Ankita was seated on the *chatal* (courtyard) of the Durga Temple. He had told the IO that he was informed by Ankita that Rana had set Priya on fire. He also mentioned the structural layout of the residence, noting that the *Thakurghar* was situated on a mezzanine level, accessible via 7-8 steps from the dining area. He admitted that Lady Sub-Inspector Mousumi Mukherjee was the first police official to arrive and though she attempted to escort the accused to the police station, local residents insisted that she await the drafting of a written complaint. PW 3 left the premises when Priya was taken to the hospital and returned when the police arrived for evidence collection. He stated that Priya had a life insurance policy of ₹50,000/-, the details of which he managed on behalf of Ankita. He was unaware of the nominee, the payment of premiums or the insurance company's policy on suicide. He denied the suggestion that he had advised Priya's family to suppress any evidence of suicide to enable receipt of the insurance payout and also denied being told by Ankita that

Rana was not involved. He confirmed seeing burnt hair of the deceased on the floor of the *Thakurghar*.

- IV.** P.W.4, a resident of the same village, deposed that he was the scribe of the written information lodged by Nayan Laha. He affirmed knowing both the deceased and the accused. He clarified that he had no direct knowledge of the incident.

During cross-examination, he stated that the narration of the incident was given to him by Nayan while seated at the Durga Temple. He saw the accused in a police vehicle and identified a lady sub-inspector present at the scene. He could not confirm whether the accused was kept in the vehicle under duress by local residents. He denied making any statements to the police and refuted the suggestion that the written complaint was dictated by multiple individuals. He also denied that Ankita was seated at the *chatal* at the time of his writing.

- V.** P.W.6, a cousin-in-law of the deceased, stated that on the relevant date and time, he was informed by Priya's mother-in-law that something was amiss. Upon reaching the house, he saw a crowd and flames on the staircase landing above floor level. He noticed a motorcycle inside and observed a man, later identified as the accused, who had been restrained by locals. He confirmed that the victim was taken to the hospital before the police arrived. The accused was subsequently taken into custody from the *Atchala*.

During cross-examination, he denied having informed the IO of any extramarital relationship between the deceased and the accused and also denied ever stating that the accused used to visit Priya's house. He acknowledged that Utpal was a friend of his brother Subhash but could not confirm whether Utpal acted in a guardian capacity after Subhash's demise.

- VI.** P.W.5, deposed that he was acquainted with the deceased Priya Laha and stated that she died due to burn injuries on 29th Chaitra. He confirmed knowing the accused but offered no further material evidence.
- VII.** P.W.7, an ambulance driver, stated that he transported the burn victim from the residence of Subhash Laha to Sian Hospital. His testimony is limited to the logistical handling of the victim post-incident.
- VIII.** P.W.9, confirmed escorting the dead body of Priya Laha for post-mortem examination.
- IX.** P.W.10, stated that he registered Bolpur PS Case No. 171/15 on the basis of the written complaint filed by Nayan Laha.
- X.** P.W.8, deposed that he conducted the inquest proceeding over the body of Priya Laha in connection with Bolpur PS UD Case No. 52/15 and arranged for the body to be sent for post-mortem through Constable Subrata Mukherjee.
- XI.** P.W.11, who served as the arresting officer, testified that he apprehended the accused Rana Roy herein the appellant from Burdwan Medical College and Hospital where he was undergoing treatment. During cross-examination, he stated that no tobacco products or ignition tools such as matches were found in the possession of the accused. In response to a query by the Trial Court, he confirmed that the accused had been hospitalized as a result of physical assault and was discharged on 20th April 2015, following which he was arrested. The discharge certificate was handed over to the IO.
- XII.** P.W.12, is a medical officer under the West Bengal Health Service, posted at Bolpur Sub-Divisional Hospital. He conducted the post-mortem examination of the deceased, Priya Laha, a 36-year-old Hindu female, in connection with Bolpur P.S. U.D. Case No. 52/15. The dead body was brought and identified by Constable Subrata Mukherjee. PW12 deposed

that upon examination, rigor mortis was present and more than 90% superficial burn injuries were noted on the deceased's body, sparing only the buttocks and feet. Due to extensive burns, external injuries, if any, could not be identified. A smell of kerosene was perceived from the scalp, hair, and clothing of the deceased and there was the presence of charred carbon residues at various places on the body. No ligature mark was found on the neck and the uterus was empty with no foreign body present. He opined that the death was due to the effects of burn injuries, which were ante-mortem in nature. He noted congestion in all major organs, including the lungs, heart and spleen. Black particles were observed in both lungs and the chambers of the heart were found to be full. Although PW12 reserved his final opinion pending the chemical examination report of the viscera, such report was never placed before him.

During cross-examination, PW12 clarified that the presence of kerosene smell on the scalp and clothes could result from kerosene being poured on the head. He also stated that in general, a person inhaling carbon monoxide might seek to move to an open space rather than remain in an enclosed area. He classified the injuries as first-degree (superficial) burns, stating that no deeper muscle or bone burns were present and reiterated that no injuries were found on the buttocks or feet. He, however, did not make any definitive observation regarding the manner of death as to whether it was homicidal, suicidal or accidental.

XIII. P.W.13, is the Investigating Officer of the case, then posted as an Inspector-in-Charge at Bolpur Police Station. He deposed that on 13.04.2015, he was entrusted with the investigation of Bolpur P.S. Case No. 171/15 under Section 302 of the IPC, following the unnatural death of Priya Laha. Upon visiting the house of the deceased, he was informed

by the complainant that the incident had occurred there, which he accordingly identified and fixed as the place of occurrence. He drew a rough sketch map of the premises. PW13 further deposed that from the course of investigation and based on witness accounts, it was revealed that the incident began on the covered verandah and culminated in the *Thakurghar* on the mezzanine floor. He seized a burnt gas lighter, a partially burnt *jhuljhadu* (broom), a jar of kerosene oil, a motorcycle and a pair of black sandals from different parts of the house. The motorcycle was seized as it was used by the accused, Rana Roy, to arrive at the scene. PW13 stated that he made enquiries to trace the accused and subsequently found through sources that Rana Roy had been admitted to Burdwan Medical College and Hospital. Upon verification, the accused was arrested from the said hospital. He examined several witnesses including the brother and father of the deceased and collected the inquest report, post mortem report and related documents in connection with the U.D. Case No. 52/15 initially registered at Bolpur P.S. He also arranged for the recording of statements of key witnesses, namely Nayan Kumar Laha and Ankita Laha, under Section 164 Cr.P.C. and sent the seized kerosene oil jar and the viscera of the deceased for forensic examination. The forensic report was received under Section 293 Cr.P.C. In response to the Trial Court's query, PW13 admitted that he did not take steps to ascertain whether the seized articles were owned or used by the accused. He also did not investigate how the accused came to be admitted in the hospital, nor did he examine the accused after his release. Although he collected multiple pieces of evidence and statements, he accepted that certain alterations made in the case diary entries and witness statements were not explained therein. In cross-examination, PW13 admitted to not verifying the ownership of the motorcycle seized and acknowledged

several procedural lapses including not seizing matchsticks or matchboxes from the scene. However, he categorically denied suggestions that statements were manipulated or that the investigation was conducted in a manner to falsely implicate the accused.

23. From the aforesaid evidence, it appears that the prosecution's case is substantially supported by consistent and corroborated ocular evidence, primarily through the testimonies of P.W.1 and P.W.2, both of whom are natural and competent witnesses. P.W.1, the sister-in-law of the deceased and paternal aunt of the minor eyewitness, clearly deposed that she saw the accused pour kerosene and hurl a lit matchstick at the victim. P.W.2, the deceased's daughter and an eyewitness, confirmed that the appellant assaulted her and thereafter deliberately set her mother on fire. Their versions have withstood detailed cross-examination and are free from significant contradiction or embellishment. The presence of the appellant at the scene of crime is firmly established by their consistent statements and by the seizure of his motorcycle from the premises, which the defence has not been able to satisfactorily discredit.

24. It is settled law that the testimony of a sole or limited number of eyewitnesses, if found credible and reliable, is sufficient to sustain a conviction, particularly in the face of corroborative circumstantial and medical evidence. The post-mortem report by P.W.12 indicating ante-mortem superficial burns over 90% of the body, presence of kerosene smell and the absence of ligature marks or injuries suggesting suicidal or accidental origin, fortify the prosecution case. Although the medical expert did not expressly label the death as homicidal, the findings are in line with the prosecution's narrative and do not contradict it.

25. The defence's theory of suicide, allegedly triggered by familial discord or in pursuit of an insurance claim, is wholly speculative and lacks evidentiary

backing. No convincing motive for false implication has been demonstrated, particularly when the immediate relatives of the deceased would have little incentive to falsely implicate the appellant without provocation. Moreover, the defence raised contradictions which are either immaterial or inconsequential to the core of the prosecution case. The minor inconsistencies regarding the arrest, recovery of a lighter or matchbox or layout of the crime scene do not detract from the direct, cogent and credible testimonies of the eyewitnesses, especially in a scenario where events unfolded rapidly, and witnesses were in a state of trauma.

26. The appellant's explanation under Section 313 Cr.P.C. is evasive and self-contradictory. Initially, he denied visiting the house altogether and later admitted to being present there without offering a coherent reason for the same. He did not account for the incriminating circumstances, such as his presence at the scene, the victim's burns, the cause of the altercation or his flight from the place of occurrence. This silence and contradiction in the face of damning evidence are telltale signs of guilt.

27. The Supreme Court in ***Bipin Kumar Mondal v. State of W.B.*** reported in **(2010) 12 SCC 91**, held:

"26. While dealing with a similar issue, this Court in State of U.P. v. Kishanpal [(2008) 16 SCC 73] held as under: (SCC p. 88, para 39)

*"39. The motive may be considered as a circumstance which is relevant for assessing the evidence **but if the evidence is clear and unambiguous and the circumstances prove the guilt of the accused, the same is not weakened** even if the motive is not a very strong one. It is also settled law that the **motive loses all its importance in case where direct evidence of eyewitnesses is available**, because even if there may be a very strong motive for the accused persons to commit a particular crime, they cannot be convicted if the evidence of eyewitnesses is not convincing. In the same way, even if there may not be an apparent motive but if the evidence of the eyewitnesses is clear and reliable, the absence of inadequacy of motive cannot stand in the way of conviction."*

28. It is also a well-settled position of law that when the accused fails to offer a reasonable explanation for incriminating circumstances and such circumstances point unerringly towards his guilt, the Court is entitled to draw adverse inference.

29. Thus, considering the chain of events, the eyewitness accounts, the medical and forensic evidence and the failure of the defence to rebut the prosecution case effectively, this Court finds no merit in the present appeal. The conviction of the appellant under Section 302 IPC is based on sound appreciation of evidence and the sentence imposed is commensurate with the gravity of the offence.

30. For the foregoing reasons, the conviction and sentence awarded by the Learned Additional Sessions Judge, Bolpur in Sessions Trial No. 2 of 2015 are hereby affirmed. Accordingly, CRA 753 of 2015 is dismissed.

31. Let a copy of this judgment along with the Trial Court Records be sent back to the Trial Court forthwith for necessary compliance.

32. Urgent photostat certified copy of this order, if applied for, be supplied expeditiously upon due compliance with all requisite formalities.

[Rajarshi Bharadwaj, J.]

I Agree.

[Apurba Sinha Ray, J]