

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

PRESENT:

THE HON'BLE JUSTICE TIRTHANKAR GHOSH

CRR 254 of 2024

Smt. Sutapa Das
versus
The State of West Bengal & Anr.

For the Petitioner	: Mr. Uday Shankar Chattopadhyay Mr. Gobinda Ch. Roy Mr. Debajit Kundu
For the State	: Mr. Aditi Shankar Chakraborty, Ld. APP Mr. Abhijit Sarkar
For the Opposite Party No.2	: Mr. Joydeep Kanta Bhowmik, Mr. Sayantan Bhowmik, Mr. Shubham Kumar, Ms. Sayantani Das.

Heard on : 10.06.2025 & 16.06.2025.

Judgement On : 17.06.2025

Tirthankar Ghosh, J. :

The present revisional application has been preferred challenging the proceedings relating to G.R. Case No. 6842 of 2022 arising out of Kotwali PS Case No. 845 of 2022 dated 10.12.2022 which was registered for investigation under section 305/34 of the Indian Penal Code including the charge-sheet filed therein under the same provisions.

The petitioner before this Court happens to be one Sutapa Das, the Headmistress of Suniti Bala Sadar Girls' School (formerly known as Sadar Girls School). The allegations made in the written complaint which has been treated to be the first information report of the instant case was at the behest of one Debdulal Ghosh who addressed a complaint to the Inspector-in-Charge, Kotwali Police Station contending that his daughter was a student of Class VIII of Jalpaiguri Sadar Balika Vidyalaya. On or about December 7, 2022 during the examination, a student namely Ananya sitting behind his daughter namely Shreya Ghosh, irritated her by inquiring in respect of certain questions. As Shreya ignored her, said Ananya along with 2/3 students, after the examination was over, complained to a teacher namely Chandrani Mukherjee, alleging that Shreya adopted unfair means during the examination. Based on such accusation the complainant was asked to report to the School on December 8, 2022. The Headmistress and the teacher/Chandrani Mukherjee without clarifying the incident, started humiliating him in front of his daughter. The said teachers also threatened that they have identified his daughter and would see how she passes next year. When the complainant protested to such wild accusations being made against his daughter, the Headmistress and the teacher misbehaved with him and he was ousted from the school. Complainant's daughter at the relevant point of time started crying, however she was consoled after returning home. On returning home the 13 year old Shreya became silent, stopped taking food and on December 9, 2022 when she was alone, she committed suicide by hanging herself from the fan with the aid of a nylon rope at her throat. The complainant alleges that his daughter left a suicide

note which reflected that she was mentally harassed and could not accept the humiliation of the teachers.

On the aforesaid complaint of Debdulal Ghosh, Kotwali Police Station Case No. 845 of 2022 commenced and the investigating agency on conclusion of investigation submitted charge sheet against the present petitioner being the Headmistress and the teacher namely, Chandrani Mukherjee. The prosecution in order to prove its case relied upon 20 witnesses and 8 documents.

Learned advocate appearing for the petitioner submits that even if the accusations are accepted to be true no case for abetment to commit suicide is made out against the petitioner who is the Headmistress of the school whose sole purpose for admonishing a student would be welfare of such student/child and no ill motive can be attributed to her act and action. In order to substantiate his case, learned advocate relied upon the following judgments :

- (i) Netai Dutta –Vs. – State, (2005) 2 SCC 659
- (ii) GEO Varghese –Vs. – State of Rajasthan & Anr, (2021) 19 SCC 144.

Learned advocate appearing for the State opposed the prayer advanced on behalf of the petitioner and submitted that as the investigating agency on conclusion of investigation has arrived at a prima facie conclusion thereby charging the petitioner and another under section 305/34 of the Indian Penal Code it would be unwise to scuttle the proceedings prior to a full-fledged trial having been concluded.

Learned advocate for the opposite party no. 2 submits that the suicide note which was left by the deceased, accused the Headmistress and the teacher, which points to their irresponsibility and as such they should not be allowed to go scot free without facing whole of the trial.

I have considered the submissions advanced on behalf of the petitioner, the State and the *de facto* complainant and also the case diary produced on behalf of the State. I find that at this stage what is to be primarily considered by this Court is as to whether the petitioner being the Headmistress should be asked to face the trial or the case taken as a whole should be terminated at this stage on an overall assessment of the materials collected by the investigating agency.

As the learned advocates appearing on behalf of the *de facto* complainant/opposite party no.2 and the State emphasized on the suicidal note which is also part of the documents relied upon by the prosecution while submitting its report under Section 173 of the Code of Criminal Procedure, I am of the view that the same should be considered peremptorily prior to arriving at a decision.

The contents of the said suicide note reflect that the deceased lamented that she was a victim of false accusation of cheating in a school and she was unable to tolerate the same. Such accusation of cheating was only on the basis of the complaint of only one girl and such was the situation that nobody was willing to accept her version. The parents also had been consoling her, but she felt that there was some sort of suspicion in the mind of her parents, her friends and the others with whom she was

acquainted. She also stated that she knew that her friends had full sympathy for her, but it was she who was unable to face them because of such information having spread and there was no way out to prove herself to be innocent. As such, she expressed that she was unable to fight against such odds and thus decided to end/terminate her life.

I have considered the aforesaid suicidal note along with the statement of the different witnesses relied upon by prosecution and I do not find that the Headmistress or the teacher find its place in a manner which is exceeding the authority of a head of an institution or the duty of a teacher to be discharged.

In *Netai Dutta* (supra) relied upon by the learned advocate appearing for the petitioner the following observations of the Hon'ble Supreme court are relevant:

“5.....An offence under Section 306 IPC would stand only if there is an abetment for the commission of the crime. The parameters of “abetment” have been stated in Section 107 of the Penal Code, 1860. Section 107 says that a person abets the doing of a thing, who instigates any person to do that thing; or engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, or the person should have intentionally aided any act or illegal omission. The Explanation to Section 107 says that any wilful misrepresentation or wilful concealment of a material fact which he is bound to disclose, may also come within the contours of “abetment”.

6. In the suicide note, except referring to the name of the appellant at two places, there is no reference of any act or incidence whereby the appellant herein is alleged to have

committed any wilful act or omission or intentionally aided or instigated the deceased Pranab Kumar Nag in committing the act of suicide. There is no case that the appellant has played any part or any role in any conspiracy, which ultimately instigated or resulted in the commission of suicide by deceased Pranab Kumar Nag.”

In Geo Varghese (supra) relied upon by the learned advocate appearing for the petitioner, the Hon’ble Supreme Court referred to the suicidal note in the said case at paragraph 39 wherein it was observed as follows:

“39. *Insofar as, the suicide note is concerned, despite our minute examination of the same, all we can say is that suicide note is rhetoric document, penned down by an immature mind. A reading of the same also suggests the hypersensitive temperament of the deceased which led him to take such an extraordinary step, as the alleged reprimand by the accused, who was his teacher, otherwise would not ordinarily induce a similarly circumstanced student to commit suicide.”*

I have also taken into account the judgment of the Calcutta High Court in similar set of circumstances in Mrs. D.A. Macgillivray –Vs. – State reported in 1986 C Cr LR (Cal) 233 wherein it was categorically observed that the Principal of a school as an administrative head of the institution in relation to misconduct of a student of a school has to rise to the occasion and deal with the same.

In case a student is scolded or admonished the same would fall within the duties of the head of the institution and will not amount to an

instigation to commit suicide. The suicidal note in the instant case did not in any manner name the Headmistress or the teacher or any role is so defined to attract any culpability of abetment so that the Headmistress can be asked to face the ordeal of a trial. Mere scolding a student cannot fall within the definition of abetment as the same is the duty of a teacher while discharging his duty. There may be pain of the parents after their child passes away, but to ventilate such grievance by way of implicating the Headmistress and the teachers of the school without any factual foundation would obviously result in travesty of justice.

Having regard to the settled proposition of law particularly the factual circumstances under which the Division Bench of this Hon'ble High Court in similar situation came to the conclusion that no case under Section 306 of the Indian Penal Code has been made out, I am of the view that on consideration of all the materials collected by the prosecution, no charges so far as abetment to commit suicide under Section 305 or Section 306 of the Indian Penal Code can be said to be made out against the present petitioner who happens to be the Headmistress of the school, viz. Suniti Bala Sadar Girls' School.

Consequently all further proceedings pending against the petitioner arising out of Kotwali Police Station Case No. 845 of 2022 dated 10th December, 2022 corresponding to G.R. Case No. 6842 of 2022 including the charge-sheet filed therein is hereby quashed.

Accordingly, the revisional application being CRR 254 of 2024 is allowed.

Pending connected application, if any, is consequently disposed of.

Case diary be returned to the learned advocate appearing for the State.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)