

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

C.R.A. 335 of 1998

Sudhangshu Bid & Ors.

-Vs-

The State of West Bengal

For the Appellants : Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakhit
Ms. Rajashree Tah
Ms. Bidisha Chakraborty
Ms. Sadia Parveen

For the State : Ms. Faria Hossain
Ms. Kanchan Roy

Heard on : 17.12.2025

Judgment on : 24.03.2026

Ananya Bandyopadhyay, J.:-

1. This appeal is directed against the judgment and order dated 17.09.1998 passed by the Learned Additional Sessions Judge, Purulia in Sessions Trial No.7 of 1993 arising out of Session Case No.20 of 1993 in connection with Jhalda Police Station Case No.26/90 dated 14.09.90, thereby convicting the appellant under Sections 498A of the Indian Penal Code and sentenced appellant no.1 to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.1,000/- in default to suffer rigorous imprisonment for another 6 months and sentenced appellant no.2 to suffer rigorous imprisonment for 2 years and to pay a fine of Rs.500/- in default to suffer rigorous

imprisonment for another 5 months and sentenced appellants no.3, 4 and 5 to suffer rigorous imprisonment for 1 year each and to pay a fine of Rs.500/- in default to suffer rigorous imprisonment for another 5 months.

2. The prosecution case precisely stated one Smt. Bharati Rani i.e. the victim/deceased was married to Sudhangsu Bid son of Jagannath Bid of Begunkodar. It had been alleged the victim had to withstand torture and assault by her husband and other in-laws almost from the inception of her marriage. She was pressurized to arrange sufficient capital for initiating a business by her. The appellants misbehaved with her elder brother on his visit to meet his sister. The deceased victim was starved for days together. Apprehending murder the victim appealed to her relatives to rescue her from the house of her in-laws. Once her husband abandoned her near the house of her elder brother. Through series of letters, she expressed her apprehension that she might be eventually murdered. On 13.04.90 at about 02:30 p.m., Joydeb Bid, nephew of Jagannath Bid, intimated to the informant that his sister the deceased had been seriously ill. On receiving, the news the informant accompanied by his relatives rushed to Begunkodar where they came to learn his sister had already expired. They local people informed that the deceased had been burnt to death alleging the appellants had set the victim ablaze. Dhirendranath Bal i.e. the elder brother of the deceased lodged the complaint against the deceased's husband and other in-laws.

3. Based on the aforesaid complaint, Jhalda Police Station Case No.26/90 dated 14.09.1990 under Sections 498A/304B of the Indian Penal Code was initiated for investigation.
4. Upon conclusion of the investigation, the Investigating Agency submitted a charge-sheet against the appellants under Sections 498A/306/304B/34 of the Indian Penal Code against the appellants to which they pleaded not guilty and claimed to be tried.
5. In order to prove its case, the prosecution examined as many as 14 witnesses and examined certain documents.
6. The Learned Advocate for the appellants submitted as follows:-

- i. PW-1, elder brother of the deceased, deposed the deceased had been subjected to mental torture, from the inception of her marriage by her in-laws viz Jagannath Bid, Tulsi Bid, Sudhangshu Bid, Debu Bid, Sonali Bid, Saraswati Bid. He also stated, *“my sister requested me to take her to our house at Durgapur. I could not fulfill my commitment to her, my sister Bharati sent few letters to me and my brothers; I handed over the original letters to The Officer in Charge, Jhalda Police Station.”*

In his cross examination PW-1 stated that, *“Sudhangshu Bid represented himself as a graduate, he was unemployed at that time. ... I twice visited Begun Kodar in between the date of solemnization of marriage and last visit. On one occasion I went there to attend a 'Shraddha Ceremony' and the other occasion I went to attend the marriage of cousin of Sudhangshu Bid. ... we do not make any complaint with the local police station or the panchayet over the issue*

of ill treatment of Bharati. ... It is true that in the letter (Exhibit 7) Bharati made an appeal to us for securing a job for her husband. He also disclosed that in the event of her husband not securing a job, she would have to commit suicide”.

- ii. PW-2 was declared hostile. PW-2 stated in cross-examination by prosecution, *“I stated to the Investigating Officer that sisters in law viz Saraswati and Shefali Bid, Mother in law Tulsi Bid and brother in law Debu Bid had tried to dominate Bharati and it was subjected her to torture and cruelty”.*
- iii. PW-3 was wife of PW-1. In examination in chief PW-3 stated, *“She was murdered by her in laws, Shudhansu Bid, his sisters, parents, and brother subjected her to cruelty. My husband could ascertain that Bharati had been murdered. She had been set on fire by her in laws... the villagers confirmed the story of torture on Bharti”.* In cross-examination she stated that *“I cannot say on which date Bharati narrated the incident of torture on her to me. I wrote few letters to Bharati and her husband. I addressed Jagannath Bid as baba. ... we did not seek the help of the local panchayet or the local Police Station over the issue of ill treatment of Bharati”.*
- iv. PW-4 was brother-in-law of PW-1. In examination in chief he stated, *“Bharati was murdered by her in laws. ... I met with Bharati on few occasions after her marriage; she informed me she had been constantly tortured by her in laws. She also alleged that she had been assaulted by them”.* In cross-examination he stated, *“I knew that her husband*

was unemployed. It is true that Bharati requested her brother Dhiren to secure a job for her husband”.

- v. PW-8 was a friend of the deceased. In her examination-in-chief she stated, *“she was like my friend. Her in laws murdered her by setting her on fire. She reported the fact that she had been subjected to cruelty by her in laws. She was even denied to adequate clothing. She reported to me that her in laws had always demanded more articles and money in the form of dowry.”* In cross-examination she stated, *“I did not attend the ‘boubhat ceremony’ at Begun Kodar. Bharati came to my house on 5/6 occasions after her marriage. I do not remember the dates when she visited my house. Right from the inception of marriage she reported to me that he had been tortured by her in laws. I cannot say when I last met Bharati. I stated to the Investigating Officer initially after the solemnization of marriage Bharati had reported to me her in laws were of good temperament”.*
- vi. PW-9 was brother in law of PW-1. In examination-in-chief he stated, *“she was murdered by her in laws. Bharati on many occasions reported to me that she had been tortured by her in laws, She also conveyed the facts in her letters.”* In cross-examination he stated, *“I cannot say on which date Bharati reported to me that she had been tortured by the in laws”.*
- vii. PW-5 was declared hostile.
- viii. PW-6 signed in the inquest report.
- ix. PW-7 was the father of PW-5. He was tendered for cross-examination.

- x. PW-10 was a police personal attached to Jhalda Police Station. He produced the dead body before doctor to the Sadar Hospital.
- xi. PW-11 was a constable attached to Jhalda P.S. He escorted the dead body to Purulia Sadar Hospital.
- xii. PW-12 was a A.S.I. of police, attached to Jhalda P.S. He conducted the inquest.
- xiii. PW-13 was conducted post-mortem over the dead body of the deceased. He stated "*almost 100% superficial burn injury over the body excepting the sole and it places deep burn injury.... the cause of death in my opinion was due to shock as a result of extensive burn injury of the body which was anti mortem in nature*".
- xiv. PW-14 was Sub-inspector of police, attached to Jhalda P.S. and investigating officer of the instant case. He investigated the case, arrested the appellants and submitted the charge-sheet. In cross-examination, PW-14 stated, "*PW-4, Santosh Kumar Sen did not state to me that on being inform of the death of Bharati Bid, he along with Pratima Bal and others had proceeded towards village Begun Kodar. The witness stated to me that through the letters written by Bharati Bid that they could come to know that Bharati had been tortured. The witness did not state to me that Bharati had informed him that she had been tortured by her in-laws*".
- xv. The appellants had been examined under Section 313 of the Cr.P.C.:-

Appellant no.1 in question no.11 narrated the facts which are vital to adjudication in the instant case. The nutshell of the question no.11 was:-

“Sudhangshu Bid, the husband was a jobless. Bharati felt deeply humiliated. Her mental was bad because of his unemployment. At last she committed suicide.”

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

- i. PW-1 deposed he was informed on 13.04.1990 at 12:00 hours, by cousin of Sudhangshu Bid that deceased had taken ill. PW-1 reached P.O. at 9 p.m. and on reaching he found his sister had died after sustaining burn injuries. He stated that deceased was subject to mental torture from inception of marriage by all her in-laws and husband. They also demanded more dowry as Sudhangshu Bid was unemployed. PW-1 and family made payment from time to time. The deceased was four-months pregnant and wished to return to her brother's house. PW-1 tried to pacify the deceased and promised he would bring her back when she was six months along her due date. Deceased sent letters to PW-1 and her other brothers and originals were handed over to O/C Jhalda (Exhibit 6-9).
- ii. PW-2 was declared hostile and stated that the deceased reported to them that she could not adjust with her in-laws - admitted that he stated to I.O. that deceased's in laws had tried to dominate her and subjected her to torture and cruelty which had not lessened and

Sudhangshu Bid frequented residence of his father in law to secure money for business purposes.

- iii. PW-3 was sister in law of deceased and wife of complainant. He stated the deceased was murdered by in-laws and was subjected to cruelty by them. She brought up the deceased. The deceased disclosed the torture inflicted on her to PW-3 in her letters. Deceased visited PW-3 five six times before her death and within six weeks her marriage disclosed to PW-3 that she was being tortured by her in laws.
- iv. PW-4 was brother in law of Dhirendra Nath Bal. He met with the deceased a few times after her marriage where she informed him that she was constantly tortured by her in-laws. He stated the villagers of Begunkodar confirmed the factum of torture. Stated that the deceased asked the complainant to secure a job for Sudhangshu Bid.
- v. PW-8 deposed she was resident of Durgapur and close friend of the deceased. The deceased visited her 5-6 times after marriage. Confirmed torture from inception of marriage including in-laws withholding proper clothing to her and constantly demanding more money and articles from her in form of dowry.
- vi. PW-9 deposed he was a resident of Durgapur and family friend of the deceased, who treated the deceased like his younger sister. He confirmed the torture, having been informed of the same by the deceased including in her letters. He also stated that residents of Begunkodar claimed that the deceased was set on fire.

- vii. PW-5 was declared hostile. She denied stating to the I.O. that the deceased was tortured.
 - viii. PW-6 signed the inquest report.
 - ix. PW-7 not relevant witness.
 - x. PW-10 was attached to Jhalda P.S. He identified the deceased's body for the doctor at Purulia Sadar Hospital.
 - xi. PW-11 deposed he was escorted deceased's body to Purulia Sadar Hospital.
 - xii. PW-12 was conducted the inquest. Confirmed that the deceased's body was found in latrine of her in-laws' house. Latrine and house were separated by a courtyard. Seizure witness for matchsticks and container of kerosene oil found next to body.
 - xiii. PW-13 was chief medical officer of Purulia Sadar Hospital. He conducted post mortem. 20 weeks fetus found. Cause of death was found to be shock as a result of extensive burn injury.
 - xiv. PW-14 deposed he was officer-in-charge of P.S. Jhalda. He seized several of the letters written by deceased from her relatives. PW-5 (declared hostile) claimed that the deceased was tortured and assaulted by in-laws a short time after marriage and that her mother-in-law and sisters-in-law often quarreled with her as did her husband and brother-in-law.
8. The Learned Advocate representing the State emphasized on the judgment of the Learned Trial Court:- Relying on letters written by the deceased to her relatives (Exhibits 6-9), the prosecution argued as follows:-

“accused persons literally kept the housewife on starvation for days together. She was humiliated, abused and even assaulted on trifling matters... Bharati Bid all along expressed her apprehension that in view of the torture inflicted on her and humiliation endured by her, she would be compelled to commit suicide”.

Findings:-

- a) Sessions Court acquitted the accused for offences under Sections 304B and 306 of the Indian Penal Code for dearth of evidence but found ample evidence that she had been subject to cruel treatment.
- b) *“Bharati Bid through a series of letters intimated her relations that she had been tortured by her in-laws. She was abused, humiliated and ill-treated, as borne out from the materials on record... The letters indicate the inhuman treatment was meted out to Bharati Bid by her in-laws. She was over worked. Minimum comfort was even denied to her”.*
- c) The Sessions Court found that the appellants by their incessant torture had driven the deceased to suicide.
- d) The Court found that there is nothing on record to discredit the prosecution witnesses.

9. It was further submitted the Learned Trial Court had correctly convicted the appellants and sentenced them for offence committed under section 498A of IPC for the following reasons:

- a) There was uncontroverted and consistent witness evidence of PW-1 to PW-4 and PW-8, PW-9, that the deceased was subject to torture by her in laws after marriage.
- b) There was direct evidence in terms of the deceased's letters to her relatives giving an account of the torture she had suffered.
- c) The defence had not discredited any of the witnesses.

10. The submissions of the Learned Advocate on behalf of the appellants as canvassed before this Court are directed against the sustainability of the impugned judgment on both factual and legal perspective. It is argued that the prosecution has failed to establish the foundational facts necessary to sustain the conviction. There is a conspicuous absence of direct evidence. No independent witness or local inhabitant has supported the allegation of cruelty or torture upon the deceased. In such circumstances, reliance on presumptions under Sections 113A and 113B of the Evidence Act, in the absence of proven facts, is wholly untenable.

11. It was further submitted that the appellants having been acquitted of the charge under Section 304B of the Indian Penal Code, the very substratum of the prosecution case alleging dowry related cruelty collapsed and disintegrated. The allegation of abetment was obliterated through acquittal under Section 306 of the Indian Penal Code. In absence of proof of such grave offences, the conviction cannot be sustained on the same set of allegations by invoking other provisions.

12. It was further urged that the Learned Trial Judge erred relying on the testimonies of interested witnesses viz. PW-1, PW-3, PW-4 and PW-9 while

ignoring the evidence of independent witnesses including PW-2 and local witnesses PW-3 to PW-7 who had categorically stated of ignorance of any cruelty or harassment caused to the deceased. Such selective appreciation of evidence prejudiced the appellants resulting in serious miscarriage of justice.

13. Attention is also drawn to the letters relied upon by the prosecution. It is submitted that the contents of the said letters do not disclose any allegation of dowry demand or cruelty. On the contrary, it probalised the defence case and such material evidence failed to invoke confidence to sanctify its veracity and legal applicability.

14. It is contended, once the ingredients of cruelty as required under Section 304B of the Indian Penal Code have not been established, it is impermissible to sustain a conviction under Section 498A of the Indian Penal Code on similar allegations. The prosecution cannot sustain on identical facts to attract different penal provisions when the core ingredient itself was unproved.

15. Reliance on the decision cited in Padmabai Vs. State of Madhya Pradesh was embarked to signify stray domestic discord or trivial quarrels, in the absence of proximate and compelling circumstances constitute suicide. The evidence on record even if considered at its highest score does not satisfy the legal threshold. Accordingly, it was submitted that in absence of cogent, reliance and legally admissible evidence establishing cruelty or culpability apart from contradictions emerging from prosecution evidence, the conviction was rendered inherently infirm and liable to be set aside.

16. The prosecution seeks to establish cruelty primarily through the testimonies of PW-1, PW-3, PW-4, PW-8 and PW-9. PW-1, the brother of the deceased, has spoken of mental torture from the inception of the marriage and has relied upon certain letters allegedly written by the deceased. However, his evidence, when tested in cross examination reveals material limitations. His visits to the matrimonial home were sporadic; no complaint was lodged before any authority and significantly the contents of the letters disclose the deceased's distress arising out of her husband's unemployment and her apprehension of taking an extreme step in that backdrop. This aspect introduced a plausible alternative narrative inconsistent with sustained cruelty of the nature alleged.
17. PW-2 declared hostile admits to his prior statements regarding domination by the in-laws; Yet such evidence, wavering in character and unsupported by independent corroboration, does not inspire confidence. The testimony is of PW-3, PW-4 and PW-9, all interested witnesses, proceed on general allegations of cruelty and absurd instances conforming imputations of homicidal conduct. However, their deposition lacks specificity as to time, place and proximate circumstances, appearing to be largely derivative of what have been allegedly conveyed to them. Such evidence, in the absence of cogent corroboration, cannot be accentuated to the standard of proof required in criminal law.
18. PW-8, a friend of the deceased victim has referred to dowry demands and deprivation. Yet, her cross examination revealed uncertainty as to material particulars and an admission that at an earlier point of time the deceased

had described her matrimonial family as being of good temperament. This inconsistency casts a serious doubt on the reliability of her version.

19. The independent witnesses do not advance the prosecution case. PW-5 has resiled from her earlier statement while PW-6 and PW-7 are formal witnesses whose evidence does not lend support to the allegations. The prosecution case does remain uncorroborated by any neutral or disinterested testimony.
20. The medical evidence established the death was due to shock resulting from extensive ante mortem burn injuries. However, it does not conclusively indicate the manner of occurrence. The surrounding circumstances, including the recovery of kerosene oil and the place where the body was found had not been inconsistent with a suicidal act and did not unerringly point towards homicidal causation.
21. The letters, which constitute contemporaneous documentary evidence, do not unequivocally disclose persistent dowry demands or acts of cruelty of such gravity as would attract penal consequences. The deceased did narrate instances of being assaulted by the in-laws. However, it can refer to the day-to-day domestic indifference in an atmosphere where discontentment in the household in a rural background can be negligible due to impulsiveness and rusticity. Moreover it reflected a state of emotional fragility and mental irresolute linked to penury hardship, particularly the unemployment of the husband.
22. In this evidentiary conspectus, the essential ingredients of section 498A of the Indian Penal Code remain unsatisfied. The prosecution has failed to

prove any wilful conduct of such a nature as is required to propel the deceased to commit suicide or to cause grave injury or danger to her life or health. Equally there is no reliable evidence of harassment with a view to coerce the deceased or her relatives to meet any unlawful demand for property or valuable security. The allegations, being general and omnibus in nature, devoid of particulars and uncorroborated by independent evidence are deficient of the statutory requirements.

23. The explanation offered by the appellants in their examination under Section 313 of the Code of Criminal Procedure, attributing the deceased's mental resilience to the husband's unemployment and the resultant sense of humiliation finds certain degree of probity from the materials on record and cannot be ignored as inherently improbable.
24. The Learned Trial Court, in proceeding to record conviction, appears to have placed undue reliance on interested testimony while overlooking material inconsistencies, absence of independent corroboration and the plausible alternative hypothesis emerging from the record. Such an approach is not coherent with the settled principles governing appreciation of evidence in criminal trials.
25. In the ultimate analysis, the prosecution evidence, gives rise to suspicion and does not travel the distance to proof, beyond reasonable doubt. The appellants are therefore entitled to the benefit of doubt. The evidence on record does not disclose any proximate, continuous or grave acts of cruelty within the meaning of provision of section 498A of the Indian Penal Code. General and omnibus allegations bereft of particulars and uncorroborated

by independent witness evidence, cannot sustain a conviction under section 498A of the Penal Code.

26. Under the facts and circumstances, the conviction and sentence are set aside. The appellants are acquitted of the charges under Section 498A of the Indian Penal Code.

27. Accordingly, the instant Criminal Appeal being CRA 335 of 1998 stands allowed.

28. There is no order as to costs.

29. Trial Court records along with a copy of this judgment be sent down at once to the Learned Trial Court for necessary action.

30. Photostat certified copy of this judgment, if applied for, be given to the parties on priority basis on compliance of all formalities.

(Ananya Bandyopadhyay, J.)