

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

C.R.A. 423 of 2000

**Soumitra Pramanick
-Vs-
The State of West Bengal**

With

CRA 424 of 2000

**Alpana Pramanick
-vs-
The State of West Bengal**

For the Appellants : Mr. Santanu Talukdar
(*Amicus Curiae*)

For the State : Mr. Avishek Sinha

Judgment on : 10.06.2026

Ananya Bandyopadhyay, J.:-

1. This appeal is preferred against the judgment and order dated 29.11.2000 passed by the Learned 13th Judge, City Sessions Court, Calcutta, convicting the appellants to suffer rigorous imprisonment for two years and to pay a fine of Rs.2,000/-, in default, to suffer rigorous imprisonment for two months for the offence under Section 498A of the Indian Penal Code and to

suffer rigorous imprisonment for six years and to pay a fine of Rs.5,000/-, in default, to suffer rigorous imprisonment for one year for the offence under Section 306 of the Indian Penal Code in Sessions Case No.42 of 1999/Sessions Trial No.2 of September, 1999.

2. The prosecution case precisely stated Latika alias Sonali, daughter of late Labani Halder and Smt. Bhagwati Halder, married the appellant Soumitra Pramanick on 12.05.1998 through negotiation. At the time of marriage, Soumitra resided at 40, Scott Lane, Clacutta with his uncle Amarendra Nath Pramanick and others. After marriage, Latika and Soumitra resided at the flat bearing No.C/17 of Amherst Street Police Quarters of 57, Amherst Street, Calcutta. Alpana Pramanick with her husband Sumen Pramanick and her sons also came and resided in the flat of Soumitra. During her stay, appellant Soumitra Pramanick and his cousin sister-in-law Alpana Pramancik mentally and physically tortured the victim due to an illicit relationship between the same. On 16.02.1999 in the morning a sister of appellant Soumitra Pramanick informed Bhagwati Halder, mother of Latika, that Latika, with burn injuries on her persons, was admitted in Medical College and Hospital, Calcutta and that her condition was serious and she subsequently died.
3. Based on the aforesaid complaint, Amherst Street Police Station Case No.28 dated 16.02.1999 under Sections 498A and 307 of the Indian Penal Code was initiated.

4. Upon conclusion of the investigation, the Investigating Agency submitted a charge-sheet on 10.05.1999 against the appellants under Sections 498A/306/34 of the Indian Penal Code.
5. Charge was framed against the appellants to whom they pleaded not guilty and claimed to be tried.
6. In order to prove its case, the prosecution examined as many as 20 witnesses and examined certain documents.
7. PW-1, Smt. Bhagwati Halder, the mother of the deceased Latika Halder, deposed that she had been serving as a peon in the Department of Law, Calcutta University since 1985. She stated that her eldest daughter, Latika Halder, was married to the accused Soumitra Pramanick, then a Sergeant of Calcutta Police posted at Lalbazar, on 12th May 1998 through a negotiated matrimonial alliance. Following the marriage, Latika commenced her matrimonial life at the police quarters situated within the Amherst Street Police Station compound. The witness narrated that shortly after the marriage, discord surfaced within the matrimonial household. According to her, Latika disclosed during her visits to the parental residence that Soumitra Pramanick had developed an illicit relationship with Alpana Pramanick, the wife of his cousin brother. Latika further conveyed that her domestic existence had become fraught with humiliation, cruelty and persistent harassment at the hands of both Soumitra and Alpana. PW-1 stated that her daughter complained of physical assault and informed her that she was repeatedly told that her fragile health rendered her unsuitable

for the family and that she would not be permitted to remain in the matrimonial home unless her condition improved.

8. PW-1 testified that she frequently visited her daughter at the police quarters and had occasion to observe the atmosphere prevailing there. She asserted that Latika often recounted her suffering during visits to the parental residence, though she remained guarded while at her matrimonial home owing to her apprehension of Alpana Pramanick. The witness also stated that whenever Latika came to her parental house, Alpana generally accompanied her. According to PW-1, Latika conceived during the subsistence of the marriage and was admitted to Lady Dufferin Hospital in November 1998. The witness deposed that following the termination of her pregnancy, Latika stayed with her for a considerable period extending into December 1998. She further stated that Soumitra himself had left Latika at her parental residence during her pregnancy, indicating that medical attention could be more conveniently arranged there because Lady Dufferin Hospital was situated close to PW-1's residence.
9. PW-1 further deposed that on the morning of 16th February 1999, Manto Pramanick, the younger sister of accused Soumitra Pramanick, came to her residence and informed her that Latika had sustained burn injuries after pouring kerosene oil upon herself and had been removed to Calcutta Medical College and Hospital. Upon receiving the information, PW-1 rushed to the hospital where she found her daughter lying in an unconscious condition. Thereafter, her son, daughter and several neighbours also arrived at the hospital. She stated that Latika succumbed to her burn injuries on the very

same day. The witness emphasised that the death occurred within approximately ten months of the marriage.

10. PW-1 proved the First Information Report lodged by her at the hospital. She stated that her statement was recorded by the police, read over and explained to her, and was thereafter signed by her. She identified the marriage invitation card and photographs of the marriage which were marked as exhibits during trial. A significant feature of her testimony concerns certain writings allegedly left by the deceased. PW-1 stated that she was familiar with the handwriting and signature of Latika and identified six pages of a diary seized during investigation as being in the handwriting of her daughter. According to the witness, Latika had maintained personal writings recording the anguish of her married life. Those writings were subsequently seized by the Investigating Officer and brought on record as exhibits.
11. PW-1 expressed her firm conviction that Latika had not taken her own life voluntarily. She stated that she suspected the accused persons of causing the death of her daughter by setting her on fire after pouring kerosene oil. Her deposition, therefore, sought to attribute the fatal occurrence to the conduct of the accused rather than to any independent act of self-destruction on the part of the deceased.
12. During cross-examination, PW-1 furnished particulars regarding the matrimonial negotiations and the family members connected with the accused. She admitted that prior to the marriage enquiries had been made regarding the character and antecedents of Soumitra Pramanick and that he

was then regarded as a suitable match. She acknowledged that none from her paternal family had participated in the matrimonial negotiations except a cousin brother. She further stated that she did not see Alpana Pramanick residing at 40, Scott Lane prior to the marriage.

13. The witness also disclosed that she visited her daughter's police quarter after office hours and generally remained there for brief periods. She admitted that Soumitra did not ordinarily accompany Latika to her parental residence. She reiterated, however, that Latika consistently complained of ill-treatment, cruelty and indignity inflicted by Soumitra and Alpana. She maintained that the diary writings produced during trial were authored by Latika and that she had conveyed these facts to the Investigating Officer during the course of investigation.
14. Thus, the evidence of PW-1 constitutes the foundational narrative of the prosecution case, tracing the trajectory of Latika's married life from the solemnisation of the marriage to her tragic death within a year thereof, while attributing her suffering to the alleged relationship between Soumitra Pramanick and Alpana Pramanick, the resulting cruelty within the matrimonial home, and the circumstances culminating in the fatal burn injuries sustained on 16th February 1999.
15. PW-2, the younger sister of the deceased Latika Halder, presented before the Court a narrative that traversed the intimate landscape of her sister's married life and sought to illuminate the emotional turmoil that, according to her, overshadowed Latika's existence after marriage. A Commerce graduate and a frequent visitor to the matrimonial residence of her sister at

Flat No. C-17 of Amherst Street Police Station Quarters, she claimed to possess direct knowledge of the domestic circumstances prevailing therein. The witness deposed that shortly after the marriage of Latika with accused Soumitra Pramanick, she regularly visited the police quarters where the couple resided. During one such visit on a Saturday evening, she entered the flat and, finding the door of the first room merely closed but not secured from within, pushed it open. According to her testimony, she then witnessed accused Soumitra Pramanick and accused Alpana Pramanick, the wife of Soumitra's cousin brother, together in a compromising and indecorous posture. The witness stated that the sight left her deeply disturbed. Upon thereafter locating her sister in the kitchen and narrating what she had seen, Latika allegedly burst into tears and disclosed that such conduct between Soumitra and Alpana was a recurring feature of her married life and had reduced her to a state of helplessness.

16. PW-2 further testified that she communicated the incident to her mother and thereafter accompanied her to the residence of Sudha Chakraborty, the mediator of the marriage. There, according to her, the matter was discussed, though the response elicited was merely a suggestion that patience would ultimately restore harmony. The witness stated that she thereafter increased the frequency of her visits to her sister's residence and repeatedly found Latika in tears. She deposed that Alpana Pramanick closely monitored her interactions with Latika and that private conversation between the sisters was rarely possible. According to PW-2, Latika consistently complained that she was subjected to ceaseless mental cruelty by both Soumitra and Alpana.

She was allegedly ridiculed for her health, criticised for her perceived inability to perform domestic duties and reminded that she lacked the training expected of a wife.

17. Particular emphasis was placed upon the period following the termination of Latika's pregnancy. PW-2 stated that during her stay at the parental home in October and November, 1998, Latika confided that despite every effort to adjust to her matrimonial surroundings, she found herself incapable of securing acceptance. The witness recalled her sister expressing apprehension that one day she might no longer remain alive.
18. PW-2 identified the diary writings seized during investigation and affirmed that the writings were in the hand of Latika. She also identified both accused persons in Court. In cross-examination, she adhered to the essence of her earlier version and reiterated her account concerning the compromising situation in which she claimed to have seen Soumitra and Alpana, the tears of her sister, the complaints of mental torture, and the authorship of the diary writings. The testimony of PW-2, therefore, sought to furnish a personal and emotionally charged account of the deceased's matrimonial distress and to attribute the same principally to the alleged intimacy between the two accused and the psychological suffering that, according to the witness, flowed therefrom.
19. PW-3, Smt. Sikha Dutta, resided in Flat No. C-18 of the Amherst Street Police Station Quarters, adjacent to the flat occupied by the deceased and the accused persons. Her evidence was principally directed towards the

events of the morning of 16th February, 1999 and the physical circumstances prevailing immediately after the occurrence.

20. The witness stated that on the morning in question, at approximately 6.30 a.m., her husband heard the cry of a woman emanating from Flat No. C-17. Upon hearing the commotion, her husband proceeded towards the flat and found it closed from within. PW-3 thereafter went to the premises herself and observed that the door had been opened. On making enquiries, she was informed by the wife of Soumitra's cousin brother that Latika had set herself on fire. According to the witness, she entered the flat and found the interior filled with smoke. She saw Latika lying on the floor with burn injuries. The room was dark, and the doors and windows remained closed. She directed that the windows be opened and the lights switched on. She further stated that a strong smell of burnt kerosene emanated from the room where Latika was lying.
21. PW-3 deposed that Soumitra Pramanick emerged from the flat and requested assistance in arranging a vehicle. Subsequently, he procured a Maruti car and left for the hospital with Latika. She identified both accused persons in Court and stated that she had earlier seen them residing in the same police quarters.
22. The witness further proved a seizure list prepared by the police on the date of occurrence relating to the collection of floor wash and other articles from the flat. She identified her signature and that of another witness appearing on the seizure document.

23. During cross-examination, PW-3 admitted that she possessed no direct knowledge regarding the relationship between Latika and Soumitra or regarding any relationship between Soumitra and Alpana. She stated that she occasionally saw Alpana accompanying Latika when the latter went out. She further acknowledged that while passing through the staircase she had sometimes heard quarrels emanating from the flat occupied by the accused and had occasionally heard Alpana rebuking Latika for frequently referring to her parental home. Nevertheless, she remained steadfast in her assertion regarding the condition of the flat on the morning of the incident, the smell of kerosene, and the presence of burn injuries on Latika. The evidence of PW-3 thus provides a contemporaneous account of the immediate aftermath of the occurrence and serves principally as circumstantial evidence concerning the scene where the fatal injuries were sustained.
24. PW-4, Smt. Arati Pramanick, a resident of Flat No. C-21 within the same police quarters complex, was acquainted with Soumitra Pramanick, Alpana Pramanick and the deceased Latika Pramanick. Her testimony furnishes an account derived from her observations as a neighbour and from her participation in certain investigative formalities. The witness deposed that Latika sustained burn injuries in the flat where she resided with her husband and Alpana Pramanick and thereafter succumbed to those injuries at Calcutta Medical College and Hospital on the same day. She described Latika as a gentle and amiable housewife.
25. Although PW-4 candidly stated that she possessed no direct knowledge regarding the relationship between Soumitra and Latika or regarding the

alleged relationship between Soumitra and Alpana, she narrated certain observations that attracted her attention. She stated that on one occasion she heard Soumitra remarking within the quarters, in substance, “What brand of shampoo was used in her father’s house?” – a statement which, in her perception, carried a tone of derision directed towards Latika’s parental background. She also deposed that she had once seen Alpana standing outside to see Soumitra off while he was leaving for office.

26. The witness further stated that she had observed Latika and Alpana together during Durga Puja festivities and that she was unable to say whether Latika had remained continuously in the flat throughout the Puja vacation. Her evidence, therefore, did not seek to establish sustained hostility between the parties but rather presented scattered observations from daily life within the residential complex.

27. PW-4 also proved a seizure list prepared by the investigating agency. She stated that on the date of occurrence, police officers seized floor wash and a bottle containing certain substances from the dining space of the accused’s flat and that she signed the seizure list as a witness. She identified her signature before the Court.

28. In cross-examination, PW-4 elaborated upon the layout of the police quarters and reaffirmed the fact of seizure in her presence. She also reiterated that she had earlier informed the Investigating Officer about seeing Alpana seeing Soumitra off to office and described Latika as an open-hearted, cheerful and sociable person.

29. The evidence of PW-4, though limited in scope, contributes a neighbour's perspective regarding the domestic milieu in which the deceased lived, corroborates the seizure proceedings conducted at the scene of occurrence, and records certain observations that the prosecution sought to place within the broader mosaic of circumstances surrounding the death of Latika Pramanick.
30. PW-5, Pradip Halder, the younger brother of the deceased Latika Pramanick, emerged as one of the principal witnesses for the prosecution. A Commerce graduate and a member of the deceased's parental family, he sought to portray the gradual transformation of his sister's life after her marriage with accused Soumitra Pramanick.
31. The witness stated that prior to marriage Latika possessed a cheerful and lively disposition, but during his frequent visits to her matrimonial residence at the Amherst Street Police Quarters, he invariably found her immersed in melancholy. According to him, the atmosphere prevailing in the matrimonial home was marked by emotional distance and visible discomfort. He deposed that accused Soumitra Pramanick often displayed indifference towards his presence and, instead of engaging with members of his wife's family, directed his attention towards accused Alpana Pramanick, who was residing in the same quarters.
32. PW-5 narrated an incident occurring during August or September, 1998, when he allegedly witnessed Soumitra attempting to assault Latika over a trivial domestic issue. Upon being questioned, Latika is stated to have remarked in substance that the difficulties within the household stemmed

from the presence of “another sister-in-law” and the peculiar dynamics prevailing in the family.

33. A significant part of his testimony related to a diary belonging to him in which he discovered several pages written by Latika. According to the witness, while searching for certain papers in December, 1998, he came across those writings and, upon reading them, became deeply disturbed. He stated that the writings contained an account of Latika’s marital experiences and emotional suffering. He thereafter informed his mother and sister and accompanied them to the residence of Soumitra’s relatives, including Meena Basu and Amarendra Nath Pramanick. The witness deposed that instead of offering meaningful intervention, those relatives sought to minimize the gravity of the situation and advised endurance and adjustment.
34. PW-5 further testified that on 25th December, 1998, he visited Latika carrying a cake and confronted her regarding the contents of the writings. He stated that Latika broke down emotionally and expressed a sense of despair regarding her future. According to him, she lamented that despite her efforts, peace remained elusive and she felt herself trapped within circumstances beyond her control. The witness also described the events of 16th February, 1999. Upon receiving information that Latika had sustained burn injuries, he proceeded first to the matrimonial residence and thereafter to the Medical College Hospital, where he found her unconscious. The witness voiced his belief that Soumitra Pramanick and Alpana Pramanick were responsible for the fatal occurrence.

35. PW-5 proved the production and seizure of the diary writings. He identified the handwriting of his sister and authenticated the diary pages which subsequently became a material exhibit in the case. He further identified the accused in Court.
36. During cross-examination, several omissions and lapses of memory surfaced regarding portions of his earlier statement. He conceded inability to recollect whether certain facts had been narrated to the Investigating Officer. Nevertheless, he adhered to the central features of his testimony concerning Latika's despondency, the contents of the diary, the strained atmosphere in the matrimonial home, and his discovery of the writings authored by his deceased sister. The evidence of PW-5, therefore, constitutes a blend of personal observation, familial interaction, and documentary identification, seeking to depict a prolonged period of emotional suffering experienced by the deceased before her death.
37. PW-6 was a neighbour residing within the same Amherst Street Police Quarters complex and was acquainted with Latika, Soumitra, and Alpana. Her testimony assumes significance because it concerns occurrences immediately preceding the death of the victim. The witness described Latika as a gentle and soft-spoken woman with whom she occasionally conversed. According to her, the domestic environment within the quarter occupied by Latika was frequently disturbed by quarrels, raised voices, and altercations. She stated that from outside the premises she often heard the sounds of disputes, weeping, and verbal exchanges involving more than one person.

38. One particular significance is her assertion concerning the day preceding the occurrence. PW-6 deposed that on 15th February, 1999, she heard accused Alpana addressing Latika in words conveying that it would be preferable if Latika were to die, as she constituted an obstacle in their path. The witness interpreted the remark as an expression of hostility directed towards the deceased.
39. She further testified that on the morning of 16th February, 1999, Latika was removed from the quarters in a condition of extensive burn injuries. According to the witness, the victim was almost unclothed and a wrapper had to be supplied by another neighbour to cover her body before she was taken away. The witness described the sight as deeply distressing.
40. PW-6 also stated that although Alpana's husband was alive, he did not ordinarily reside in the quarters, notwithstanding his frequent visits. According to the witness, the sons of Alpana likewise visited the premises regularly without residing there permanently. These facts were narrated to emphasise the unusual residential arrangement prevailing within the household.
41. During cross-examination, it emerged that PW-6 had not lodged any complaint before the police authorities, senior officers, or a Magistrate regarding the alleged cruelty or disturbances which she claimed to have witnessed or overheard. She admitted that she had taken no formal step to record her concerns prior to the occurrence. Nevertheless, she maintained her account regarding the hostile words allegedly spoken by Alpana, the

recurring disturbances within the household, and the condition in which Latika was removed to hospital.

42. The testimony of PW-6 thus seeks to provide an independent neighbour's account suggestive of persistent domestic discord and an atmosphere of antagonism surrounding the deceased immediately before her death.
43. PW-7 was a friend of PW-5, Pradip Halder, and had longstanding acquaintance with the deceased's family. His evidence is comparatively limited and is directed primarily towards collateral circumstances and documentary formalities. The witness stated that he knew Latika Halder prior to her marriage and attended her wedding with accused Soumitra Pramanick on 12th May, 1998. He described Latika as a woman of gentle disposition and stated that he had remained on visiting terms with her parental family after the marriage.
44. PW-7 deposed that during the marriage ceremony he noticed accused Soumitra Pramanick interacting closely with accused Alpana Pramanick. This observation, according to the witness, attracted his attention and remained in his memory. Both accused persons were identified by him in Court.
45. The witness further stated that on a subsequent occasion he accompanied PW-5 to Amherst Street Police Station, where photographs and the marriage invitation card relating to the marriage of Latika and Soumitra were handed over to the investigating agency. He proved the seizure of those articles and identified his signature appearing on the relevant seizure list. He also

identified the signature of another witness associated with the seizure proceedings.

46. During cross-examination, PW-7 acknowledged that his knowledge regarding the marital life of Latika was derived largely from his association with her brother and family members. He admitted that he was not present at the hospital on the date of her death and possessed no direct knowledge concerning the circumstances in which she sustained burn injuries.
47. The evidence of PW-7 is therefore essentially corroborative in nature. While it does not furnish direct evidence regarding the occurrence itself, it lends support to the seizure of documentary materials during investigation and records his observation concerning the proximity between Soumitra and Alpana at the time of the marriage ceremony.
48. PW-8 occupied a singular position in the evidentiary landscape of the prosecution, being closely connected with the family of accused Soumitra Pramanick. He was the husband of Kalpana Das, the elder sister of Soumitra, and was therefore acquainted with both accused persons as well as the wider Pramanick family. His testimony traversed the familial background of the accused, the circumstances surrounding the marriage, and certain observations touching upon the relationship between the accused and the deceased. The witness deposed that he attended the marriage of Soumitra Pramanick with Latika alias Sonali on 12th May, 1998. He described the deceased as a young woman of pleasant demeanour, marked by a smiling disposition and agreeable temperament. According to

him, shortly after the marriage, Soumitra shifted his residence from the ancestral premises at 40, Scott Lane to the Amherst Street Police Quarters.

49. PW-8 stated that on one occasion he visited the residence at 40, Scott Lane and found Latika weeping. When questioned regarding the cause of her distress, she refrained from disclosing the reason and merely indicated that she would speak of it at a later point of time. The witness thereby conveyed that signs of emotional disturbance had come to his notice during the brief period of her married life.

50. A notable feature of his testimony concerned the relationship between accused Soumitra Pramanick and accused Alpana Pramanick. During his examination by the prosecution, he stated that the closeness between the two had not escaped his observation. He recalled having informed the Investigating Officer that he had noticed an intimacy between them, although at the relevant time he had attached little significance to the matter, considering such familiarity capable of existing between a brother-in-law and a sister-in-law. He further stated that public discussion concerning the relationship had come to his attention from the time of the marriage itself.

51. The witness narrated that on a day in January, 1999, he visited the police quarters occupied by Soumitra and found Soumitra, Latika and Alpana present there together. He also stated that on another occasion he saw Latika in tears while several persons were attempting to console her. According to him, on 14th February, 1999, he saw Soumitra and Latika

together for the last time at the premises at Scott Lane before the occurrence which resulted in her death.

52. At the same time, portions of his testimony revealed circumstances capable of supporting the defence. He stated that he had occasion to see Latika and Alpana together in public places, including College Street Market and Thanthania Kali Mandir, and on those occasions Latika appeared cheerful, smiling and at ease. He further stated that his younger son, who frequently visited the quarters occupied by Soumitra and Latika, consistently reported that they were living peacefully and that he had been received cordially by them.
53. During cross-examination, PW-8 furnished extensive details regarding the composition of the Pramanick family, the residence of various relatives and the domestic arrangements prevailing at Scott Lane. He admitted that he had not initially informed the Investigating Officer regarding his observations concerning the alleged intimacy between Soumitra and Alpana. He also acknowledged that the police had not recorded certain aspects of his narrative in his presence. His testimony therefore carried both incriminating and exculpatory strands, presenting a nuanced picture rather than a wholly one-sided account.
54. The evidence of PW-8 is thus relevant principally for the familial background it provides, the circumstances in which he observed the deceased, and his account regarding the perceived closeness between the two accused, while simultaneously indicating occasions on which the deceased appeared content and socially integrated within the family circle.

55. PW-9 was the medical expert who conducted the post-mortem examination upon the body of Latika Pramanick. At the relevant time he was serving as Professor and Head of the Department of Forensic and State Medicine, Medical College, Calcutta. His evidence constitutes the scientific foundation of the prosecution case concerning the nature and cause of death.
56. Upon examination of the body, PW-9 found the deceased to be a moderately built and nourished young woman aged about twenty-four years. He noted the presence of rigor mortis and recorded extensive black sooty deposits over the face, forehead, neck and upper chest. Similar deposits were found upon the upper front teeth. The tongue protruded slightly between the teeth and the scalp hair, particularly at the frontal region, appeared heavily soaked with kerosene. The eyebrows, eyelashes, axillary hair and pubic hair exhibited singeing, with substantial loss of hair resulting from exposure to intense heat. The witness observed extensive dermo-epidermal burns covering almost the entire body. Only a few isolated regions remained comparatively spared, including portions of the chest, abdomen, thighs, soles, ankle and left buttock. The burn injuries displayed congestion and clear signs of vital reaction. A distinct red zone of demarcation separated the burnt portions from the areas left unaffected by the flames. In his opinion, these features established that the injuries had been sustained during life and were ante-mortem in character.
57. PW-9 further noticed blackening and charring upon the palms and fingers. He detected no external injuries suggestive of assault, restraint or physical

overpowering. Likewise, he found no injuries ordinarily associated with an explosion or accidental bursting of a cooking appliance.

58. The internal examination yielded findings of considerable forensic significance. The larynx and trachea contained black sooty deposits, while the lungs were congested and oedematous. These features, according to the witness, indicated inhalation of smoke and combustion products during the burning process. Such findings demonstrated that the victim was alive while the fire was active and breathing the fumes generated by the flames. The witness preserved the viscera, blood samples, scalp hair, nail scrapings and portions of burnt skin for chemical examination and detailed the procedure adopted for their preservation and transmission.

59. In his final opinion, PW-9 attributed the death to the effects of extensive ante-mortem burn injuries. He categorically stated that the victim had inhaled fumes while being burnt, thereby reinforcing the conclusion that the burns were sustained during life. Significantly, he expressed the view that, having regard to the absence of injuries indicative of assault or forcible overpowering and the absence of signs suggestive of an accidental domestic explosion, the death was, in all probability, suicidal in nature.

60. During further clarification, he explained the medical interventions reflected in the post-mortem findings, including venesection and intravenous administration of fluids during treatment. He identified the post-mortem report prepared by him, which was marked as Exhibit-5.

61. The testimony of PW-9 thus assumes central importance in delineating the medical cause of death. While firmly establishing death from extensive ante-

mortem burns, it also introduces the expert opinion that the physical findings were more compatible with a self-inflicted act of burning than with homicidal violence, thereby furnishing a significant aspect of the evidentiary matrix requiring careful judicial evaluation.

62. PW-10, Sri Pradip Pal, was attached to the Photography Section of the Detective Department, Lalbazar, as a police constable. His evidence was of a formal and corroborative nature, intended to place on record the photographic depiction of the place of occurrence and the deceased.

63. The witness deposed that on 16th February, 1999, pursuant to directions received from the Officer-in-Charge, Control, Detective Department, Lalbazar, he proceeded to Amherst Street Police Station in connection with Amherst Street P.S. Case No. 28 dated 16.02.1999. Upon reaching the police station at about 2.00 p.m., he was led by Sub-Inspector Saikat Neogi to Flat No. C-17, Block-C, situated within the Amherst Street Police Quarters, which had been identified as the place of occurrence.

64. PW-10 stated that he took four photographs of the flat and its relevant portions as directed by the Investigating Officer. Thereafter, he personally developed the photographs and negatives. The photographs and corresponding negatives were produced before the Court and marked collectively as Material Exhibits-III series.

65. The witness identified the photographs and explained the portions represented therein. One photograph depicted a room of Flat No. C-17 showing a closed door with the dining space situated immediately in front of it. Another photograph represented the front portion of the kitchen. A further

photograph depicted the dining area situated before the kitchen, while another portrayed the kitchen itself. He thus furnished visual corroboration of the layout of the premises where the occurrence had taken place.

66. PW-10 further stated that on 17th February, 1999, he attended the Calcutta Police Morgue and took photographs of the deceased. The photograph of the deceased, together with its negative, was produced and marked as Material Exhibit-IV. He affirmed that all the photographs had been taken and developed by him from the original negatives.

67. During cross-examination, the witness steadfastly denied the suggestion that he had not taken the photographs of the deceased or that the photographs marked as Material Exhibit III did not pertain to Flat No. C-17 of the Amherst Street Police Quarters. He also stated that the Investigating Officer had not recorded his statement.

68. The evidence of PW-10 is therefore essentially formal in character and serves to authenticate the photographic exhibits depicting both the place of occurrence and the deceased.

69. PW-11, Adhip Banerjee, was attached to the Plan-Making Section of the Detective Department, Lalbazar, and was employed as a plan maker. His testimony related to the preparation of the sketch map and the final plan of the place of occurrence.

70. The witness deposed that on 16th February, 1999, pursuant to instructions received from the Central Control Room, he proceeded to Amherst Street Police Station and reached there at approximately 2.15 to 2.30 p.m. Accompanied by Sub-Inspector S. Neogi, he visited Flat No. 17, Block-C,

within the Amherst Street Police Quarters and prepared a rough sketch map of the premises.

71. According to PW-11, the rough sketch map was prepared at the spot and bore both his signature and that of the Investigating Officer. The said rough sketch map was marked Exhibit-6. Thereafter, on the basis of the rough sketch, he prepared the final map and blueprint, which were marked as Exhibits-6/1 and 6/2 respectively.

72. The witness furnished a detailed description of the layout shown in the plan. He stated that the flat comprised two bedrooms, a dining space, a kitchen, a bathroom, a privy and a verandah. He marked the place of occurrence by inserting the letter "P" in the plan. He also indicated the location of two entrance doors, one of which was shown as closed and the other as open. The position of a refrigerator in the dining area was also marked. He described the orientation of the flat, the direction of the entrances, the location of the verandah and the relative arrangement of the rooms.

73. During cross-examination, PW-11 clarified that the rough sketch map was not drawn to scale and that certain abbreviations appearing in the final blueprint were not present in the rough sketch. He stated that the distance between the place of occurrence and Amherst Street Police Station had been measured with the aid of a tape and was approximately seventy-seven metres. He also acknowledged that particulars relating to some surrounding buildings and flats were not specifically shown in the blueprint. Nevertheless, he maintained that the sketch map had been prepared after an actual survey of the spot and denied the suggestion that it had been

prepared mechanically at the police station without visiting the place of occurrence.

74. The evidence of PW-11 is of a formal evidentiary character and assumes significance in establishing the physical configuration of the premises where the incident occurred. The sketch map and final plan prepared by him provide a spatial understanding of the place of occurrence and assist in appreciating the evidence relating thereto.
75. PW-12, Dr. Barun Kumar Pal, was serving as a House Staff Officer in the Department of General Surgery at Calcutta Medical College and Hospital during the relevant period. His testimony related to the hospital records concerning the treatment and death of Latika Pramanik.
76. The witness deposed that Latika Pramanik, wife of Soumitra Pramanik of Quarter No. C-17, Amherst Street, was admitted to Calcutta Medical College and Hospital on 16th February, 1999 at approximately 6.35 a.m. with extensive burn injuries. According to the medical records maintained by the hospital, the patient had sustained about ninety per cent deep burn injuries.
77. PW-12 stated that despite medical intervention, the patient succumbed to her injuries on the same day at about 4.45 p.m. He proved the death certificate prepared in respect of the deceased and identified the same as being in his handwriting and under his signature. The death certificate was admitted in evidence and marked as Exhibit-7.
78. The witness further identified portions of the bed-head ticket relating to the treatment of the deceased. He stated that the treatment had been administered under the supervision of Dr. Parag Ghosh and that the relevant

entries recording medical advice and treatment had been made by him in his capacity as House Staff Officer. The relevant portion of the bed-head ticket was marked as Exhibit-8.

79. Upon recall, PW-12 further deposed that the final diagnosis recorded in the inpatient records of Latika Pramanik had been filled in by him in his own handwriting and bore his signature. He also identified the relevant entries on the reverse side of the record, which were exhibited as Exhibits-7/1 and 7/2.

80. Significantly, the witness was not subjected to any substantive cross-examination regarding the contents of the medical records or the authenticity of the documents proved by him.

81. The testimony of PW-12 thus furnishes documentary medical evidence regarding the admission of the deceased with approximately ninety per cent burn injuries, the treatment administered at Calcutta Medical College and Hospital, and her eventual death on the very day of admission. His evidence lends formal proof to the hospital records and the death certificate and thereby forms an important link in the chain of medical evidence adduced by the prosecution.

82. PW-13, Smarajit Dey, was a local resident who figured in the prosecution case as a seizure witness. He deposed that on 16th February, 1999, at about 2.45 p.m., while proceeding towards the shop of a friend, he noticed a gathering in front of a police quarter within the Amherst Street Police Station compound. On making enquiries, he learnt that a housewife had sustained burn injuries and that police officers were conducting investigation at the

spot. At the request of the police, he agreed to act as a witness to the seizure proceedings.

83. The witness stated that various articles were seized from the quarter where the occurrence had taken place. The seizure list prepared in his presence bore his signature and was marked Exhibit-9. He testified that the police seized three plastic jerrycans, a plastic container, burnt matchsticks, a matchbox and fragments of burnt plastic. The seized articles were sealed and labelled in his presence and his signatures on the labels were duly proved. The seized articles were exhibited as Material Exhibits-V to XII, including the jerrycans, bottles, burnt plastic pieces, burnt papers, lock, burnt clothing, floor wash samples, matchbox and packets containing seized materials.
84. PW-13 further deposed that later on the same day, Pradip Haldar, brother of the deceased, informed him that a diary belonging to his sister had been found at the residence. He accompanied Pradip Haldar to the police station where the diary was produced before the police. The police seized the diary in his presence under a seizure list and he signed the same. He also appended his signature on the relevant pages of the diary, which were subsequently exhibited.
85. During cross-examination, the witness maintained that all seizures had been effected in his presence and that the articles were duly packed, sealed and labelled before him. He denied the suggestion that he had signed the seizure lists at the police station without witnessing the actual seizures or that he had been tutored by the police. He reiterated that the diary had been produced by Pradip Haldar and seized in his presence.

86. The evidence of PW-13 thus furnishes formal corroboration regarding the recovery and seizure of numerous articles from the place of occurrence and the seizure of the diary allegedly belonging to the deceased.
87. PW-14, Tapas Kar, an artisan by profession, was another independent witness to the seizure proceedings. He stated that he knew PW-13 Smarajit Dey and was acquainted by face with Latika, the deceased, as she belonged to the locality.
88. The witness deposed that on 16th February, 1999, at about 3.00 p.m., police seized several articles from Quarter No. 17 situated on the ground floor of the Amherst Street Police Quarters. He signed the seizure list and identified his signature thereon, which was marked Exhibit-9/1. According to him, Smarajit Dey had also signed the same seizure list.
89. PW-14 further testified that at about 5.00 to 5.30 p.m. on the same day, police seized a diary produced by Pradip Haldar under another seizure list. He signed the seizure list as a witness and identified his signature marked Exhibit-17/1. He also put his signatures on the relevant pages of the diary, which were exhibited as Exhibit-2/3 series.
90. The witness stated that the seized articles were packed, sealed and labelled in his presence and that he signed the labels affixed thereto.
91. Upon cross-examination, PW-14 adhered to his earlier version. He denied that he had falsely deposed regarding the seizures or that he had signed the seizure documents at the police station merely at the instance of the police officer. He also denied the suggestion that his testimony was the product of tutoring.

92. The evidence of PW-14 substantially corroborates the testimony of PW-13 concerning the seizure proceedings and lends assurance to the prosecution case regarding the recovery of the material exhibits and the diary.
93. PW-15 was related to Pradip Haldar, being the maternal uncle of the latter, and was acquainted with Latika Pramanik, the deceased wife of accused Soumitra Pramanik.
94. He deposed that on 22nd April, 1999, he accompanied Pradip Haldar and Sandip Ojha to Amherst Street Police Station. On that occasion, Pradip Haldar produced before the police four photographs relating to the marriage ceremony of Latika and Soumitra Pramanik together with a marriage invitation card.
95. PW-15 stated that the police seized the photographs and invitation card under a seizure list in his presence. He signed the seizure list as a witness and identified his signature, which was marked Exhibit-4/1. The photographs and invitation card were admitted in evidence as Material Exhibits I and II collectively.
96. The testimony of PW-15 is of a formal nature and serves to prove the seizure of the marriage photographs and invitation card, thereby establishing the marital relationship between the deceased and the accused.
97. PW-16 was attached to Amherst Street Police Station during the relevant period. His evidence is confined to the identification of the dead body of the deceased for post-mortem examination.
98. The witness deposed that in connection with Amherst Street Police Station Case No. 28 dated 16th February, 1999, he escorted the dead body of Latika

Pramanik to the police morgue for post-mortem examination. He identified the dead body before the Medical Officer who conducted the autopsy on 17th February, 1999.

99. The evidence of PW-16 is purely formal in character and establishes the continuity of custody and identification of the deceased between the hospital and the post-mortem examination.

100. PW-17 was a Medical Officer attached to the Emergency Department of Calcutta Medical College and Hospital on 16th February, 1999. He identified the bed-head ticket and injury report pertaining to Latika Pramanik, wife of Soumitra Pramanik, aged about twenty-four years and residing at Quarter No. C-17, Amherst Street, Calcutta. The witness deposed that at about 6.35 a.m. on 16th February, 1999, the patient was brought to the hospital by her husband, Soumitra Pramanik. The history recorded at the time of admission disclosed that, according to the patient's party, the victim had set herself on fire after pouring kerosene oil over her body at about 6.20 a.m. inside Flat No. C-17.

101. Upon examination, PW-17 found the patient conscious. Her pulse rate was about ninety per minute and she had suffered burn injuries over almost the entire body. The injuries were assessed as approximately ninety per cent burns. Considering the severity of the condition, she was admitted to Unit No. 1 of the General Surgery Department. The prognosis, according to the witness, was uncertain. The injury report prepared by him in his own handwriting and under his signature was exhibited as Exhibit-18. The evidence of PW-17 assumes significance as the earliest medical record

relating to the victim and records the history furnished at the time of admission as well as the extent of burn injuries noted upon clinical examination.

102. PW-18 was an Associate Professor in the Department of Surgery, Medical College and Hospital, Calcutta, attached to Unit No. 1 of the General Surgery Department on the date of occurrence. He deposed that Latika Pramanik was admitted under his unit on 16th February, 1999. Dr. Barun Pal functioned as his House Staff Officer and Dr. Ankhi Dutta was serving as an interneer under his supervision. The witness stated that the history of the patient had been recorded by Dr. Ankhi Dutta. According to the recorded history, the patient had sustained burn injuries at about 6.00 a.m. on 16th February, 1999 following a quarrel among family members. PW-18 clarified that he was not personally acquainted with the handwriting of Dr. Ankhi Dutta. He nevertheless explained that the treatment administered by the House Staff and the interneer was rendered under his supervision and pursuant to his directions. His testimony establishes that Latika Pramanik was treated under Unit No. 1 of the General Surgery Department and that the history recorded during treatment referred to a domestic quarrel preceding the burn incident.

103. The evidence of PW-18 thus provides medical and institutional corroboration regarding the admission, treatment and recorded history of the victim while under surgical care, and forms an important link in the chain of medical evidence led by the prosecution.

104. PW-19, Dr. Ankhi Dutta, an MBBS graduate of Calcutta University and at the relevant time an Internee attached to the Department of General Surgery, Medical College and Hospital, Calcutta, deposed regarding the earliest medical history recorded from the victim after her admission. She stated that on 16th February, 1999, at about 7.00 a.m., while performing her internship duties in the General Surgery Department, she recorded the history of patient Latika Pramanik in her own handwriting. The witness identified the document containing the recorded history and proved the same as Exhibit-19.

105. According to PW-19, the history noted by her recorded that the patient had sustained burn injuries at about 6.00 a.m. on that day. The history further disclosed that the patient had quarrelled with her family members on the preceding day and thereafter "put fire to herself while making tea." The witness stated that upon examination she found the patient to have sustained approximately 80% to 90% deep burn injuries. Her pulse rate was around sixty per minute, blood pressure was recorded at 110/60 mm. Hg., and the patient was restless at the time of examination.

106. In cross-examination, PW-19 candidly acknowledged that the history sheet had been written with two different inks and that no signature, initials or date appeared beneath the word "yesterday" occurring in the recorded history. She further stated that the document did not mention whether Latika Pramanik was married, nor did it contain the name of her husband, father, address, or the person who had brought her to the hospital. She explained the procedure prevailing in the Surgery Department, namely that

after admission through the Emergency Department, the case history could be recorded either by an Internee or by a House Staff Officer and would thereafter be placed before the Visiting Surgeon, who alone could determine whether it would form part of the bed-head ticket. She maintained that she was on duty on the relevant date and firmly denied the suggestion that the history had been recorded subsequently at the instance of the police or that she had deposed falsely.

107. The evidence of PW-19 assumes considerable significance, as it brings on record the earliest contemporaneous medical history attributed to the victim, wherein the occurrence was narrated as an act of self-immolation following a quarrel with family members. At the same time, her cross-examination discloses certain omissions and procedural peculiarities in the document, which fall to be assessed while appreciating its evidentiary value.

108. PW-20, Sri Saikat Neogi, then a Sub-Inspector attached to Amherst Street Police Station, was the Investigating Officer of the case. He narrated in detail the genesis of the investigation and the various investigative steps undertaken by him.

109. The witness stated that on 16th February, 1999, at about 12.45 p.m., he received information over telephone that the wife of a police sergeant residing in the Amherst Street Police Quarters had sustained severe burn injuries and had been admitted to Medical College and Hospital. The information was diarised by A.S.I. Ashis Kumar Bhunia in General Diary Entry No. 1811 dated 16.02.1999, which PW-20 proved, identifying the handwriting and

signature of the said officer. The General Diary Entry was exhibited as Exhibit-20.

110. Proceeding to Medical College and Hospital, PW-20 found Latika Pramanik, wife of Soumitra Pramanik, admitted in the casualty block. According to him, the patient was then in an unconscious condition. He contacted the attending Medical Officer, who informed him that the patient had sustained about ninety per cent burn injuries and was not in a condition to make any statement concerning the cause of her injuries.
111. While at the hospital, Bhagabati Haldar, the mother of the victim, approached him and disclosed the circumstances leading to the occurrence. PW-20 recorded her statement in writing, read it over and explained its contents to her, whereafter she signed the same. Treating the statement as disclosing a cognizable offence, he registered the case. He identified the written complaint, the signatures of Bhagabati Haldar thereon, and his own signature as recording officer. The written complaint was marked Exhibit-1.
112. PW-20 further deposed that he arrested accused Soumitra Pramanik within the precincts of Medical College and Hospital on the basis of the allegations contained in the complaint. Thereafter he commenced investigation and examined witnesses including Debabrata Pramanik and Manu Pramanik at the hospital.
113. Thereafter he proceeded to Flat No. C/17 of the Amherst Street Police Quarters, being the place of occurrence. He arranged for photography and preparation of a sketch map through the photographer and plan-maker. Upon inspection, he found that the dining space had been washed with

water. Though the exact seat of fire could not be identified, he noticed several articles bearing signs of burning and smelling of kerosene. He seized, inter alia, a partly burnt multi-coloured plastic sheet, a burnt jute door mat, burnt ashes, a burnt piece of cloth, burnt matchsticks, plastic containers containing liquid smelling of kerosene oil, an empty plastic container, a matchbox and a steel padlock.

114. The seizure was effected in the presence of independent witnesses Smarajit Dey and Tapas Kar, both of whom signed the seizure list. PW-20 proved the seizure list and the signatures of the witnesses thereon. He further stated that accused Alpana Pramanik was arrested from the flat. The seized articles were subsequently sealed and labelled in the presence of witnesses.

115. The witness also examined residents of the police quarters, including Sikha Dutta, Magayana Hossain and Arati Pramanik, and recorded their statements. The seized articles were thereafter deposited in the malkhana.

116. PW-20 stated that on the basis of the complaint of Bhagabati Haldar he formally started Amherst Street Police Station Case No. 28 dated 16.02.1999 under Sections 498A and 307 read with Section 34 of the Indian Penal Code. The formal First Information Report was proved and marked Exhibit-21.

117. The witness further deposed that at about 5.30 p.m. on the same day, Pradip Haldar, brother of the victim, produced before him a diary containing writings said to be in the handwriting of Latika Pramanik. He seized the diary under a separate seizure list in the presence of the same seizure witnesses, namely Smarajit Dey and Tapas Kar. The diary was marked Material Exhibit XIII and the seizure list relating thereto was proved as

Exhibit-4/3. PW-20 also recorded the statement of Pradip Haldar regarding the production of the diary and identified his own signatures thereon.

118. The witness identified in Court both accused persons, namely Soumitra Pramanik and Alpana Pramanik, whom he had arrested during investigation. He also identified the material exhibits seized from the place of occurrence and proved the relevant General Diary Entry recording the commencement of the case and the subsequent custody of the accused.

119. The evidence of PW-20 thus constitutes the backbone of the prosecution investigation, tracing the sequence from receipt of information, registration of the FIR, inspection of the place of occurrence, seizure of incriminating articles, arrest of the accused persons, and recovery of the diary allegedly containing writings of the deceased. His testimony supplies the essential investigative links connecting the medical evidence, the seizure evidence and the documentary materials relied upon by the prosecution.

120. The central question that falls for determination is not whether the deceased Latika Pramanik met a tragic end by sustaining extensive burn injuries on 16th February, 1999. That fact stands established beyond controversy. The real issue concerns the degree of criminal liability that may legally be attributed to the appellants on the basis of the evidence adduced at trial.

121. The Learned Advocate representing the State submitted as follows:-

“It is trite law that to prove a case u/s 498A/306/34 IPC the prosecution is required to bring home the evidence that the family members of the husband have subjected the lady to cruelty to that extent as is likely to drive the woman to commit suicide. Further there

has to be proximate action/inaction which actually compelled the victim to take the ultimate drastic step.

1. The victim was compelled to commit suicide within 9 months of the date of her marriage and as such the same attracts the presumption of section 113(b) of Indian Evidence Act.

2. From the evidence of PWs 1(mother), 2(sister) and 5 (brother) the following evidences enumerates which would clearly attract the provisions of sections 498A / 306 IPC:-

I) Whenever the victim lady used to visit her parental abode she used to complaint that appellant no.2 Alpana Pramanick who along with her husband used to stay with them had an illicit relationship with appellant no.1.

II) The appellants used to rebuke her due to her ill health and was specifically told that she will not be allowed to lead her conjugal life.

III) Appellant no. 2 used to accompany the victim as and when she used to come out of her matrimonial residence and was not allowed to mix up with local people.

IV) When the deceased became pregnant she was left at her paternal abode.

V) The appellants used to mock her stating that nothing was taught at her paternal house.

VI) PW 2 has categorically stated that on a certain date when she went to the flat of her sister, she found Soumitra and Alpana in a compromising position and when she reported the same to her sister she replied that it is a matter of a daily routine.

VII) PW 5 has deposed that on a certain date of August, 1998 he saw Appellant no. 1 attempting to assault her sister over a trifling issue.

The aforesaid materials on record clearly suggest that the victim was subjected to mental cruelty and was mocked about her ill health. Further due

to an extra marital affair between the appellants she was restrained from leading a normal conjugal life.

3. PW 6, an independent witness who is a neighbour of the appellants described the victim to be a sweet tempered and a gentle lady. She has further deposed that on the day prior to the date of occurrence she heard Alpana saying Tui more gele bhalo hoye, tui amader pother kata". Even on the date of occurrence she heard the appellants quarrel, assault and the resultant cry of the deceased.

4. On the date of occurrence the investigating agency seized one diary belonging to PW5, brother of the victim wherein certain pages the victim has described the ordeal she faced at her matrimonial home and the same was admitted in evidence as Exhibit 2. PWs 13 and 14 are independent witnesses to the seizure of such pages.

5. PW 3 is another neighbour of the appellant and a seizure witness though was declared Hostile has admitted in her cross examination that while passing through the stairs she often used to hear sound of quarrel from the inside of the house of the appellants.

6. PW 18 and 19, the doctors who attended the victim at Medical College and Hospital Calcutta has recorded the history of assault "the patient was burnt on 16.02.1999 at about 6 am following a quarrel between her family members"

7. The culpability of the appellants gets further fortified from the deposition of the investigating officer who has categorically stated that the exact place of occurrence of the flat was washed away with water and floor cleaning liquid was seized from the PO. He further stated that due to such act it was very difficult to pin point the actual site of fire. The aforesaid act was a conscious and deliberate effort to disappear evidence which gives credence to

prosecution case.

The present case reflects a picture wherein the present appellants engaged in an illicit relation subjecting the deceased to inhumane torture and cruelty which drove her to commit suicide. The credible seizures of the diary pages and corroborative statements of the witnesses build a better ground to the same. Thereby the Trial Court has rightly relied on the said facts as no legal deformities had cropped up. At this stage acquittal would be bad in law. Thus, the conviction given u/s 498A/306/34 IPC should be inherently upheld to meet the ends of law and to avoid gross miscarriage of justice.”

122. The Learned Advocate for the State endeavoured to establish that the matrimonial life of Latika Pramanik was marked by persistent humiliation and emotional distress arising out of the relationship allegedly shared by accused Soumitra Pramanik and accused Alpana Pramanik. The evidence of the mother, sister, brother and neighbouring residents consistently projects a picture of a young married woman who found herself emotionally isolated within her matrimonial home. Several witnesses spoke about frequent quarrels, the strained domestic atmosphere and the mental suffering experienced by the deceased.

123. The testimony of PWs-1, 2, 3, 5, 6 and 8, when read as a composite whole, reveals a recurring allegation that the deceased regarded the conduct of the accused persons as a source of profound mental agony. The evidence also discloses that suspicions regarding the intimacy between Soumitra Pramanik and Alpana Pramanik had permeated the neighbourhood and had become a subject of discussion among persons acquainted with the family.

124. The Learned Advocate representing the appellants succeeded in drawing attention to a number of omissions appearing in the statements recorded under Section 161 of the Code of Criminal Procedure PW-20 admitted that several assertions introduced during trial had not been stated before him during investigation as well as non-corroboration of material evidences. Ext-1 and the evidence of PW-1 should be disbelieved being contrary to each other. PW-1 to PW-6 being interested witnesses truncated the prosecution evidence on the ground of biased and motivated deposition. Such omissions undoubtedly require caution while appreciating the oral testimony. Yet every omission does not possess equal evidentiary value. Many of them concern embellishments of detail rather than the core substratum of the prosecution case.
125. Even after excluding the portions vulnerable to criticism on account of omissions, the evidence still discloses a sustained pattern of conduct causing mental distress to the deceased. The cumulative effect of the testimony of the close relatives of Latika, supported in material particulars by independent neighbours, leaves little room for doubt that her matrimonial life had become a source of emotional suffering. The conduct attributed to the accused persons cannot be reduced to ordinary wear and tear of marital life. It exceeded the limits of normal domestic discord and assumed the character of cruelty contemplated by Section 498A of the Indian Penal Code.
126. The legislative object underlying Section 498A is to protect a married woman from conduct which inflicts grave mental or physical injury and corrodes the dignity of matrimonial existence. The evidence on record satisfies the

ingredients of that provision. The finding of guilt recorded by the Learned Trial Court under Section 498A of the Indian Penal Code therefore warrants affirmation. The position is materially different with regard to the conviction under Section 306 of the Indian Penal Code.

127. A conviction for abetment of suicide cannot rest merely upon proof of cruelty. The law insists upon proof of a live and proximate nexus between the conduct of the accused and the suicidal act. The element of instigation, intentional aid, encouragement or conduct possessing a direct causal connection with the decision to commit suicide constitutes the gravamen of the offence. The prosecution evidence falls short of establishing that indispensable ingredient.

128. The earliest version available on record assumes considerable significance. PW-19, Dr. Ankhi Dutta, who was then an intern in the Surgery Department of Medical College Hospital, recorded the history furnished by the patient at about 7.00 a.m. on the date of occurrence. The history recorded in her own handwriting stated that the patient had quarrelled with her family members on the previous day and had set herself on fire while preparing tea in the morning.

129. The significance of this document lies not merely in its proximity to the occurrence but also in what it does not contain. No allegation was recorded against either accused. No assertion of instigation, coercion, provocation or immediate maltreatment found place in that history. Though the defence elicited that the document did not bear the signature of the witness and formed no part of the formal bed-head ticket, PW-19 firmly denied the

suggestion that it was subsequently prepared at the instance of the police. The contemporaneous nature of the document therefore remains a relevant circumstance in the evidentiary mosaic. Equally significant is the evidence of PW-20. The Investigating Officer admitted that when he reached the hospital, he was informed that the victim had sustained about ninety per cent burn injuries and was not in a condition to make a statement. No dying declaration was recorded. The prosecution is thus deprived of the most direct evidence regarding the cause which impelled the deceased to take the fatal step.

130. The prosecution also relied upon a diary allegedly written by the deceased. Yet PW-20 candidly admitted that he neither collected admitted specimen writings nor forwarded the diary to any handwriting expert for scientific examination. The authorship of the diary therefore remained unverified throughout the investigation. A document of such character, unsupported by forensic authentication, cannot be elevated to a determinative circumstance for sustaining a conviction under Section 306 of the Indian Penal Code.

131. The evidence further reveals investigative deficiencies of considerable importance. Several witnesses examined during investigation were omitted from the charge-sheet. Certain material facts narrated during trial were absent from the statements recorded under Section 161 of the Code of Criminal Procedure. No scientific attempt was undertaken to authenticate the diary. The remand application omitted particulars regarding the place of arrest and the recording of the foundational statement of the informant. These circumstances may not demolish the prosecution case under Section

498A, yet they assume importance while considering a graver charge requiring proof of abetment beyond reasonable doubt.

132. Most importantly, the record does not disclose any overt act, threat, exhortation, command or deliberate conduct immediately preceding the occurrence from which a conclusion of instigation may legitimately be drawn. The evidence establishes a troubled matrimonial life. It establishes cruelty. It establishes emotional distress. It does not establish that the accused persons intended that Latika should commit suicide or that they actively provoked or encouraged the commission of that act.

133. The distinction between cruelty and abetment is not merely semantic. Criminal liability under Section 306 of the Indian Penal Code arises only where the evidence discloses a sufficiently proximate and culpable nexus between the conduct of the accused and the suicidal act. The evidence in the present case leaves that vital link resting in the realm of conjecture.

134. The Court cannot substitute moral suspicion for legal proof. However distressing the circumstances may appear, a conviction under Section 306 of the Indian Penal Code must rest upon evidence satisfying the rigorous standard of criminal jurisprudence. That standard has not been attained in the present case. Accordingly, the conviction and sentence imposed upon the appellants under Section 498A of the Indian Penal Code are affirmed. The conviction and sentence imposed under Section 306 of the Indian Penal Code are set aside. The appellants are acquitted of the charge under Section 306 of the Indian Penal Code. The appeal consequently succeeds in part.

135. The period already undergone shall be given due credit in accordance with law. The records of the Learned Trial Court be transmitted forthwith together with a copy of this judgment.
136. In view of the above discussions, the instant appeal being CRA 423 of 2000 with CRA 424 of 2000 is allowed in part. Pending applications, if any, stand disposed of.
137. Conviction under Section 498A of the Indian Penal Code is upheld. Conviction under Section 306 of the Indian Penal Code is set aside.
138. There is no order as to costs.
139. I record my appreciation for the able assistance rendered by Mr. Santanu Talukdar, Learned Advocate as *Amicus Curiae* in disposing of these appeals.
140. Trial Court records along with a copy of this judgment be sent down at once to the Learned Trial Court for necessary action.
141. Photostat certified copy of this order, if applied for, be given to the parties on priority basis on compliance of all formalities.

(Ananya Bandyopadhyay, J.)