

Sessions Case No. 285/2025

Order No. 14
29.06.2026

Today the case is fixed for passing order.

All the accused persons, on court bail, are present by filing hajira.

Perused the case record and the application under Section 227 of CrPC filed by the accused persons.

It is stated that that on 25.02.2017, at about 20:25 hours, one Sanjoy Konar, Karmadhakshya of Burdwan – I Panchayat Samity lodged a complaint before the Burdwan PS, alleging that on 19.02.2017, one Chumki Lett was admitted at PG Nursing Home, Burdwan. It is also alleged in the said complaint that the complainant came to know from the newspaper that the Nursing Home Authority had demanded a sum of Rs. 40,000/- for her treatment and her father Tapan Lett, being unable to arrange the said amount, became mentally depressed as the Nursing Home Authority had declared that if such amount is not paid, then the patient will not be released, for which said Tapan Lett committed suicide in the intervening night of 21.02.2017 – 22.02.2017. On the basis of the said written complaint, a Burdwan PS Case No. 200 dated 25.02.2017 u/s 306/384 of IPC was started against the accused/petitioners.

The Investigating Officer investigated the case and on completion of the same, submitted charge-sheet against all the FIR-named accused persons. It is stated by quoting the last paragraph of the charge-sheet that no unnatural death of Tapan Lett has been mentioned by the IC, Shikari Para PS, Dumka, Jharkhand and no UD Case has been started though, having no such report, the IO of this case submitted charge-sheet u/s 306 of IPC and no death report or PM Report of the deceased has been collected by the prosecution.

It is further case that from the page 35 of the case-diary relating to discharge of the patient Chumki Lett, it is seen that her father Tapan Lett and one Bipad Taran Lett have signed the Discharge Summary on 24.02.2017 at 04:20 pm. So, at the time of discharge of Chumki Lett, her father Tapan Lett was present though it has been alleged that said Tapan Lett had committed suicide on 21.02.2017.

With regard to Section 384 of IPC, it is submitted that Section 383 of IPC defines extortion but in this case, there was/is no allegation of putting the complainant or the victim in victim or causing any injury, such act has been committed. The Nursing Home Authority only demanded their legitimate charges which are apparent in the case-diary. The patient was in serious condition for which she had to be treated after admission in ICCU for four days. There was never any threat or putting any fear or causing injury in the allegation. Moreover, page 66 of the case-diary, it is crystal clear that the total expense was Rs. 42,420/- and out of which the patient had paid Rs. 15,000/- and Rs. 27,420/- was deducted and did not charge by the Nursing Home Authority for the discharge of the patient. So, there is no question of extortion appears in the allegation of the prosecution. Therefore, he prays for discharge of the accused persons.

Ld. PP-in-Charge submits that the CD contains no such document which relates to the death of Tapan Lett, nor there is any such document to show that there was any extortion from the side of the accused persons. The Ld. PP-in-Charge consented the documents, contained in page 35 and 66 of the Case-Diary.

On perusal of the CD as well as the Charge-sheet, it is seen that the IO, during the investigation, had taken information IC, Shikari Para PS, Dumka, Jharkhand regarding the death of Tapan Lett in connection with this case and it reveals to the IO that no unnatural death was registered at the Shikari Para PS against the deceased Tapan Lett. No PM Examination Report and Inquest Report prepared and no foul play behind this death.

When it is seen that no unnatural death has been caused to the deceased Tapan Lett who is the deceased in this case and there is no death report or PM Report regarding the death of the deceased, then the question of framing of charge u/s 306 of IPC does not arise.

With regard to the allegation under Section 384 of IPC, it is true that Section 383 defines extortion which runs as :-

383. Extortion.—

Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits “extortion”.

In the instant case, upon reading the complaint as well as the charge-sheet and the provision u/s 383 of IPC, I did not find that there was any such intentional threat or induced fear in the victim by the accused. In the present case, the allegation in the written complaint is that the complainant had heard or read in the newspaper that the Nursing Home Authority will not release the patient if the demanded amount is not paid. The page 66 of the CD clearly speaks that in spite of having more demand of the bill, the Nursing Home Authority had relased and discharged the patient by receiving a meagre amount and had not charged the rest of the amount. If the intention of the Hospital Authority was for extortion, then they would not have released the patient without full payment of the amount charged.

In the circumstances, after considering the materials available on record as submitted by the prosecution u/s 272 and 273 of CrPC, I did not find any ground for proceeding against the accused persons to frame the charge u/s 306/383 of IPC. In other words, it can be said that there is no prima facie case to proceed for trial. Therefore, in my opinion, the accused persons are required to be discharged from this case.

Hence, the petition filed by the accused persons u/s 227 of CrPC is hereby allowed.

As I find no ground to proceed with the prosecution case against the accused persons, namely, (1) Abdul Khatib, (2) Munshi Md. Hasibul Kabir, (3) Sk. Joynal Abedin, (4) Souvik Santra, (5) Sk. Saifuddin, (6) Fariyadi Samim, (7) Kismat Tara Begum, (8) Shilpi Gupta, (9) Tandra Ghosh and (10) Tinku Sk. So, they are hereby discharged u/s 227 of CrPC.

Dictated & Corrected by me.

Additional Sessions Judge,
3rd Court, Burdwan.

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