

IN THE COURT OF THE DISTRICT & SESSIONS JUDGE, JHARGRAM	
Present : Sri Sarajit Majumder Sessions Judge, Jhargram [J.O. Code : WB00646]	
[Dated : 24/09/2025]	
S.T. No. 13 (03) 2023 CIS Regn. No. 171/2022 CNR No. WBWM06-001053-2022]	
[G.R. Case No. 02 of 2022 in c/w Nayagram P.S. Case No. 01/2022 dated 02/01/2022, u/s. 306 IPC	
Prosecution	State of West Bengal
Represented by	Ld. P.P Sri Prasanta Roy
Accused Person	Swarup Giri
Represented by	Mr. Ashwini Mondal

FORM – B

Date of Offence	02.01.2021
Date of F.I.R.	02.01.2022
Date of Charge Sheet	17.02.2022
Date of Framing Charge	23.03.2023
Date of Commencement of Evidence	30.01.2024
Date on which Judgement is reserved	N.A.
Date of Judgement	N.A.
Date of the sentencing order, if any	N.A.

Accused Details :

Rank and name of the accused person	Date of Arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during Trial for purpose of Section 428 of Cr. P.C.
Swarup Giri	Brought under arrest 02.01.2022	19.02.2022	U/S 306 IPC	Acquitted	NA	NA

FORM – C

A. Prosecutrix

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
P.W. 1	Bharati Giri	Complainant
P.W. 2	Srimanta @ Badal Giri	Son-in-law of the victim
P.W. 3	Susanta Giri	Relative
P.W. 4	Pradip Giri	Local Villager
P.W. 5	Pankaj Giri	Local Villager

P.W. 6	Manoj Chakraborty	ASI of Police
P.W. 7	Anil Kumar Murmu	Medical Officer
P.W.8	Hari Sankar Barik	ASI of Police
P.W.9	Rajkumar Chattopadhyay	I.O.

B. Defence witnesses

RANK	NAME	NATURE OF EVIDENCE
N.A.	N.A.	N.A.

LIST OF PROSECUTRIX/DEFENCE/COURT EXHIBITS

A Prosecutrix

Sl. No.	Exhibit Number	Description
1.	Exbt.P-1/P.W.1.	Signature of P.W.1 in the inquest report
2.	Exbt.P-1/1/P.W.2	Signature of P.W.2 on the inquest report
3.	Exbt.P-1/2/P.W.6	Signature of P.W.6 on the inquest report
4.	Exbt.P-2/P.W.1.	Signature of the witness in the written complaint
5.	Exbt.P-2/1/P.W.4.	Written complaint
6.	Exbt.P-2/2/P.W.8	Endorsement in written complaint
7.	Exbt.P-3/P.W.6.	Signature of P.W.6 on the seizure list dated 02.01.2022
8.	Exbt.P-4/P.W.7.	Post-mortem Report
9.	Exbt.P-5/P.W.8.	Formal FIR
10	Exbt.P-6/P.W.9.	Rough sketch map with index

B Defence

Sl. No.	Exhibit Number	Description
	NIL	NIL

- : J U D G M E N T : -

The fact of the case, in brief, is that Srimanta Giri who happens to be the brother of the de facto complainant had been creating pressure for last few years for transferring their mother's properties in his favour and for that purpose he had been subjecting her to mental torture. Their mother could not bear the torture and for getting rid, left her home on 29.12.2021 and finding no other alternative their mother choose death than life by hanging herself. After three days i.e. on 02.01.2022 in the early morning the dead body of their mother Nanibala Giri was detected and identified by the de facto complainant, Bharati Giri at Machamara jungle near Kharikamathani Stadium under P.S. Nayagram, District Jhargram. **Hence, the F.I.R.**

The I.O. took up the investigation and after completion of investigation, submitted charge sheet vide C.S. 18/2022 dated 17.02.2022 against this accused person for offences punishable u/s 306 of I.P.C.

This court after perusing the materials on record and the case diary, was of the opinion that, there is ground for presuming that the accused person had committed offence punishable under Section 306 of I.P.C. Accordingly, charge

was framed against the accused person. After framing of the charge, this court read over and explained the content of the charge to the accused person, and, on being asked, whether he pleads guilty to the charge framed or has any defence to make, the accused person pleaded not guilty by saying “*Nirdosh*” and claimed to be tried. Hence, the trial.

Defence case, as it appears from the trend of cross-examination and the answers given by the accused person while he was examined under section 313 of Criminal Procedure Code (hereinafter referred to Cr.P.C), are plea of innocence and denial of prosecution case and that the de facto complainant took their mother on 27.12.2021 to her home and on 29.12.2021 she was driven out from matrimonial home of Bharati Giri after assaulting her mother and as such their mother committed suicide while she was in the home of the de facto complainant Bharati Giri.

POINTS FOR CONSIDERATION:

It is needless to mention here that for offence punishable under section 306 of the I.P.C, prosecution is to establish the following ingredients :

1. There was suicide of a person;
2. It was committed in consequence of abatement by the accused;

DECISION WITH REASONS:

I had opportunity to hear the Ld. Advocate representing the State of West Bengal as well as the Ld. Advocate appearing on behalf of the defence.

Ld. Advocate for the prosecution submits that he could examine nine witnesses in total. Amongst them all have corroborated on materials particular and as such necessary order may be passed.

On the other hand Ld. Advocate, representing the accused person contends that the daughter had taken her mother on 27.12.2021 to her matrimonial home and on 29.12.2021 she was driven out there from after beating her and as such their mother committed suicide while she was in the home of the de facto complainant Bharati Giri. No independent witness supported the prosecution case. Thus, it is apparent that prosecution could not establish their case. Accordingly the accused persons should be acquitted.

In support of their case prosecution has examined as many as nine witnesses, amongst them Bharati Giri being P.W.1 has said that their father pre-deceased her mother. Her father had some properties and after his death her mother inherited the same. This accused used to subject her mother to torture by assaulting her physically for transferring the property owned by my mother.

Their mother could not bear such torture of Swarup Giri and hanged herself to death in the jungle at Kharikamathani.

On the sixth day of her missing from house the dead body of my mother was recovered.

Srimanta Giri who happens to be the husband of P.W.1 being P.W.2 has said that his mother-in-law used to stay with Swarup Giri during her life time. His mother-in-law did not stay happily with his brother-in-law as his brother-in-law used to subject her to physical and mental torture demanding transfer of her share in property to his name. As his mother-in-law could not bear the pressure she left her home and hanged herself to death.

It is to be pointed out that P.W.2 in course of cross examination admitted that this accused used to maintain the livelihood of his family including his mother by way of cultivation of his share of land left by his deceased father. His wife sold her share in property to one Paritosh Kamilya.

His in-laws house is situated at Kharikamathani. There is hospital, school and markets. Police station is at Nayagram.

He could not recollect the date when he along with his wife went to see my mother-in-law in hospital.

Similarly, P.W.1 in course of cross-examination has admitted that after death of her father, her mother used to reside in join mess with the family of this accused. Not only that she admitted that she has already transferred her share in paternal property to Paritosh Kamilya. In this circumstances it is hard to believe that this accused who happens to be the son of the victim subjected his mother to such an extent that she had to commit suicide.

It is pertinent to mention here that though P.W.2 has claimed that due to torture of this accused his mother-in-law had to commit suicide. But his brother Susanta Giri being P.W.3 has failed to say why she committed the suicide.

Similarly, Pradip Giri being P.W.4 has said that Nani Bala Giri mother of Swarup Giri committed suicide. According to him there might be property dispute in their family. But this witness did not disclose between whom there was property dispute, whether between mother and daughter or between mother and son. According to him Bharati Giri lodged the FIR which he wrote in the police station.

From his evidence on record I find that the victim was his elder paternal aunt. This close relative has admitted that after the marriage of Bharati Giri his elder paternal uncle has died and since then the victim, Swarup Giri and his family were residing in same mess.

It is to be pointed out that this witness has also admitted that he did not see or hear about any torture allegedly inflicted upon Nani Bala Giri by her son Swarup Giri. So far he knows they were residing peacefully. This witness also made it clear that Bharati Giri sold her share in the paternal property.

At the cost of repetition I would like to revisit one of the defenses of this accused that the de facto complainant took their mother on 27.12.2021 to her home and on 29.12.2021 she was driven out from matrimonial home of Bharati Giri after assaulting her and as such their mother committed suicide while she was in the home of the de facto complainant Bharati Giri.

Touching this defence Pradip Giri did not deny the claim of the accused rather admitted that Nani Bala Giri used to visit the house of her daughter Bharati Giri. He knows that few days prior to her death she visited the house of her daughter. But he does not know whether Nani Bala Giri returned to the house of Swarup Giri. So, the defence case cannot be ruled out.

I find support of the above inference from the evidence of Pankaj Giri P.W.5 herein. This witness has disclosed that his father and the father of Swarup Giri are cousin brothers. So, it can be inferred that this witness might have knowledge about the family of Swarup Giri.

He has claimed that on 28/12/2021 Bharati Giri took Nani Bala Giri to her house and there she subjected Nani Bala Giri to torture. From 29/12/2021 the said Nanibala Giri found missing subsequently her dead body was recovered. She died due to torture of her daughter.

Bharati Giri used to torture upon Nanibala Giri to get the property lying in the name of Nanibala Giri in her name. She also sold some property acquired by her by way of inheritance. Subsequently, she gave pressure to transfer the share of her mother in her name. This witness in course of cross-examination also has claimed that Bharati used to visit the house of Swarup Giri frequently to create pressure upon Nani Bala to transfer the share of her mother in her name. She even abused her mother.

From the oral evidence of private witnesses discussed above it cannot be said that for abatement of this accused the victim had to commit suicide.

P.W.6 ASI Manoj Kumar Chakraborty who has conducted the inquest has proved the inquest report and seizure list on the strength of which wearing apparels of the deceased was seized.

S.I. Umesh Chandra Barik P.W.8 has simply recorded the case and endorsed the same to the I.O. Said I.O. has discussed in detail what he did in course of investigation. According to him he collected the P.M. Report.

Dr. Anil Kumar Murmu who conducted autopsy over the dead body of one Nani Bala Giri, on examination found one oblique in complete ligature mark placed high up around the neck with a gap and irregular mark of knot over the occipital area of scalp near nape of neck. According to his opinion death was due to the effect of hanging, anti-mortem and suicidal in nature. The said P.M. Report is proved as Exbt.P-4/P.W.7.

From the inquest report and P.M. Report it can be ascertained without hesitation that the victim committed suicide. But it cannot be accepted that prosecution could be able to substantiate that the victim committed suicide being abated by her son.

Accordingly, I find the accused person not guilty for the offence charged. Hence, it is

O R D E R E D

that the accused person namely, **Swarup Giri** is held not guilty for the offence punishable U/S 306 of I.P.C.

Accordingly, the accused person is **acquitted u/s 235(1) of Cr. P.C.**

He is discharged from his bail bond and set at liberty.

Seized alamats be destroyed after the appeal period.

Sd/
Sessions Judge,

Sd/
Sessions Judge, Jhargram