

Sessions case No. 04 of 2025
R-04 of 2025
CNR No. WBDJ010001532025
Present : Sri Madan Mohan Mishra
JO No.WB00727

Order No. 4 dated 20.05.2025

Accused on bail Saraswati Roka is present.

Learned prosecutor Shri Tshering Gyalpo Bhutia is present.

The case record is taken up for consideration of charge.

Upon hearing prosecution and defence in the light of the materials on the case record and in the case diary it is found that inquest examination report of the victim who allegedly used to stay along with the accused in the house of accused finds reference of presence of some abrasions in both the hands and abrasion injury mark on the neck of the victim was also noted and the same has again been noted in the post mortem examination report as follows

(1) Nail scratch abrasions (each measuring 5mm X 1mm) over the following positions of right side of neck:

(i) 3” below the right angle of mandible (ii) Three present in a line, situated 4” below right angle of mandible (iii) Three, present in a line, situated 4 ½ “ below right angle of mandible (iv) Two 4 ½” below tip of right mastoid process

(2) Two nail scratch abrasion over right face

(i) 1.5 cm above right angle of mandible and (ii) 3 cm above right angle of mandible

(3) scratch abrasion over left face, 0.5 cmX 0.5 cm, situated 3 cm lateral to lateral to left nostril.

(4)nail scratch abrasion, measuring 5mmX 1 mm, over dorsum of left hand

(5) nail scratch abrasions, (each measuring 5 mm X 1 mm) over dorsum of right hand and two over metatarso-phalangeal jts of right index finger.

(6) one incomplete ligature mark present over upper part of the neck & directed obliquely upwards and posteriorly, measuring 11” X1” gap over right side of the neck. The mark started from a point over 1” below the right angle of mandible, then passed through a point 2’ below the chin. From there the mark passed towards left through a point 1 ¾” below the left angle of mandible and 2 ½” below the tip of left mastoid process. From there the mark passed upwards

over posterior aspect of neck and terminated 2” below tip of right mastoid process. The ligature mark was brownish and parchmentized. On dissecting the neck, white glistening area found in the subcutaneous tissue beneath the ligature mark. Muscles were found healthy, thyroid cartilage and hyoid bone were intact. The injuries noted above showed evidences of antemortem vital reaction. No other injury detected over the body even after careful examination and dissection.

The column in the post mortem examination report providing for noting the indication of the wounds noted at post mortem examination being homicidal, suicidal or otherwise has been left blank by the doctor holding the post mortem examination.

The Investigating Officer, as disclosed in the charge sheet itself, in course of investigation sought opinion from the doctor holding post mortem examination on three points. (1) Let me know whether those injuries are ante mortem or post mortem in nature (ii) Whether those injuries are self-inflicted or not, (iii) what is the cause of such injuries (iv) whether object was used for causing such injuries if so, what is the nature of the object. The investigating officer without obtaining the opinion of concerned doctor on the points submitted charge-sheet for offence punishable u/s 305 IPC with a provision for submitting supplementary charge sheet.

From the statement of the witnesses recorded u/s 161 CrPC it is found that at the relevant time of occurrence apart from the lady accused and the victim girl of 15 years no other person were present in the house where the victim met unnatural death. From the disclosures made in the inquest examination report and the post mortem examination report of the victim indicating presence of some marks of injuries on the person of the victim being ante-mortem in nature, this Court is unable to decide as to charge against the accused is to be framed for offence punishable u/s 302 IPC or 305 IPC.

In the appearing circumstances I find it fit to direct OC, Rangli Rangliot PS to cause submission of a supplementary charge sheet on obtaining the opinion of the concerned doctor who held post mortem examination over the dead body of the victim on 07.12.2023 at North Bengal Medical College & Hospital before considering the charge against the accused.

Let a copy of this order be sent to OC, Rangli Rangliot PS with a direction upon him to cause collection of opinion on the points noted in the charge-sheet from the concerned doctor and submission of Supplementary charge-sheet in connection with Rangli Rangliot PS case no. 43 of 2023 dated 08.12.2023 under section 305 IPC.

To 21.07.2025 awaiting supplementary charge sheet.

Let a copy of this order be sent to OC, Rangli Rangliot PS for information and compliance.

Accused on bail as before.

Dictated and corrected by me

Sd/-

Additional Sessions Judge,
3rd Court, Darjeeling

Sd/-

Additional Sessions Judge,
3rd Court, Darjeeling