

Sessions Trial Case No. 160 of 2025

Miscellaneous Form No
(M) 34 to Form No (M) 36

Form A

IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
4th COURT, PURBA MEDINIPUR AT TAMLUK

Present: ANNADA SANKAR MUKHOPADHYAY
(JO Code-WB 00863)
Additional Sessions Judge,
4th Court, Purba Medinipur at Tamluk

Date of Judgement: Friday the 28th August, 2026

Sessions Trial Case No. 160/2025
Sessions Case No. 217/2024
CNR No. – WBEM 0100-4871-2024

Under Sections 498A/306/34 of the Indian Penal

Complainant- State of West Bengal

Represented by- Sri. Somnath Maity, Ld Addl. Public Prosecutor

Accused-
1. Dhananjay Halder
2. Mohan Halder
3. Sarala Halder
4. Aparna Halder

Represented by- Sri. Kartick Panja, Ld Advocate for the accused

FORM B

Date of Offence	Since the marriage till on 02.06.20
Date of FIR	17.12.20
Date of Charge-sheet	30.04.21
Date of framing charges	25.06.25
Date of Commencement of Evidence	04.02.26
Date on which Judgement is reserved	07.08.26
Date of the Judgement	28.08.26
Date of the Sentencing Order, if any	Nil

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Accused details:

Rank of the accused	Name of Accused	Date of arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428, Cr.P.C.
1	Dhananjay Halder	Got an anticipatory bail from the Hon'ble High Court, Calcutta vide CRM no. 5288 of 2021 dt. 07.12.21	23.12.21	Ss. 498A/306/34 of IPC	Acquitted	N.A	Nil
2	Mohan Halder	Got an anticipatory bail from the Hon'ble High Court, Calcutta vide CRM no. 1639 of 2021 dt. 28.07.21	03.08.21	Ss. 498A/306/34 of IPC	Acquitted	N.A	Nil
3	Sarala Halder	Got an anticipatory bail from the Hon'ble High Court, Calcutta vide CRM no. 1639 of 2021 dt. 28.07.21	03.08.21	Ss. 498A/306/34 of IPC	Acquitted	N.A	Nil
4	Aparna Halder	Got an anticipatory bail from the Hon'ble High Court, Calcutta vide CRM no. 1639 of 2021 dt. 28.07.21	03.08.21	Ss. 498A/306/34 of IPC	Acquitted	N.A	Nil

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution:

Having the burden of proof upon the prosecution, the Public Prosecutor initiating the case adduced a total **Eleven-11** witnesses as detailed hereunder:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W. 1	Jharna Pal	Defacto complainant
P.W. 2	Bablu Pal	Husband of complainant
P.W. 3	Sanat Kr. Gayen	Independent witness
P.W. 4	Dipak Jana	Independent witness
P.W. 5	Gour Hari Jana	Independent witness
P.W. 6	Adhir Kr. Maity	Independent witness
P.W. 7	Dr. Indranath Barman	Attending doctor
P.W. 8	ASI Ashim Kr. Shaw	Police Personnel
P.W. 9	ASI Pradip Kr. Ponda	Police Personnel
P.W. 10	LASI Babita Bhunia	Police Personnel
P.W. 11	Sankar Roy	Investigating Officer, now retired

B. Defence witnesses, if any:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil	
	Nil	

C. Court witnesses, if any:

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)

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	Nil	
	Nil	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
01	Exbt P-1/PW-1	Written complainant having three sheets
02	Exbt P-2/PW-7	Certified copy of Post Mortem report
03	Exbt P-3/PW-9	The Photocopy of inquest report attested by OC of Kolaghat PS
04	Exbt P-3/1/PW-10	Signature of PW-10 on the inquest report
05	Exbt P-4 & 4/1/PW-11 respectively	Sketch map wit index of PO
06	Exbt P-5/PW-11	Formal FIR
07	Exbt P-1/1/PW-11	Endorsement of the then OC in the written complaint

B. Defence witnesses, if any:

Sr. No.	Exhibit Number	Description
1	Nil	Nil

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1	Nil	Nil

D. Material Objects:

In the course of the prosecution evidence, the following materials were formally proved before this Court and marked as exhibits (Materials Exhibits and Defence Exhibits) in favour of the respective parties.

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Sr. No.	Exhibit Number	Description
1	Nil	Nil

JUDGMENT

1. The short facts of the prosecution case so appeared from the application under section 156(3) of Code of Criminal Procedure made before the learned Chief Judicial Magistrate, Purba Medinipur is that, complainant's daughter namely Tagori Pal, since deceased, got married with accused no. 1/Dhananjay Halder about twelve-12 years ago as per Hindu Rites and Customs. Accused no. 2 and accused no. 3 are parents-in-law and accused no. 4 is sister-in-law of her daughter. After marriage, her daughter went to her matrimonial home and started her conjugal life. Within their wedlock, she gave birth of two daughters who are aged about 06 years and 03 years respectively. Thereafter the accused persons started torturing upon her daughter, both physically and mentally, for demand of further dowry, so communicated to her by her daughter, and subsequently, there was a reconciliation between the parties with the intervention of local persons. On the very date of incident which occurred on 02.06.2020 at about 10.00 a.m., she came to know from the local persons of her daughter's death and after hearing the same, she along with other people appeared at the matrimonial house of her daughter and found that her daughter was hanging with rope from the ceiling. Thereafter, she asked the in-laws of her daughter and her son-in-law about the cause of death of her daughter but they failed to give any rational answer and on the basis of that scenario, she suspected that accused persons killed her daughter and hung her with rope or her daughter was compelled to commit suicide for their torture. Due to such unnatural death, an U.D. case (Kolaghat PS UD case no. 22/20 dt. 02.06.20) was initiated. The said petition of complainant was registered as MP case no. 533/20 and was forwarded to the Officer-in-Charge of Kolaghat PS. For investigation and report.

2. On receipt of the said written complaint, O.C of Kolaghat PS started the said PS case no. 424/20 dated 17.12.20 for an offence punishable under sections 498A/306/34 of the Indian Penal Code against the FIR-named accused persons and after filing the formal FIR, Officer-in-charge of the said P.S endorsed the case to SI of Police, Sankar Roy, now retired to investigate the case (hereinafter called as IO).

3. Taking up the investigation, the investigating officer who was endorsed with investigation, visited Place of Occurrence (in short 'P.O'), prepared rough sketch map with index, examined available witnesses and recorded their statements, collected inquest report of deceased Tagori Pal Halder in connection with Kolaghat PS UD case

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no. 22/20 from E.O and collected P.M report of deceased Tagori Pal Halder from District Hospital, Tamluk in connection with Kolaghat PS UD case no. 22/20, held raid to arrest the accused but in vain, collected viscera report from Tamluk District Hospital and send the viscera to FSL, Kolkata for chemical examination report. Thereafter, on conclusion of the investigation after consulting his superior, he has submitted a charge sheet against the accused persons under sections 498A/306/34 of IPC.

4. On submission of the charge sheet, Ld. CJM, Purba Medinipur, took cognizance of the offence on 29.06.21. After cognizance has been taken Ld. CJM, Purba Medinipur, served a copy to the accused persons and committed the case to the Court of the learned Sessions Judge, Purba Medinipur on 13.03.24.

5. Upon receipt of the case record, Ld. Sessions Judge, Purba Medinipur, transferred the same to this court for disposal.

6. After receipt of the case record by this court, the accused persons on bail appeared, and a charge was framed against them for the offence punishable under sections **498A/306/34** of the IPC. The contents of the charge, so framed, were read over and explained to the accused persons, to which they pleaded not guilty, claiming them innocence and praying for trial.

7. The prosecution, having the burden of proof to establish the case and allegation against the accused person beyond all reasonable doubts, adduced and examined a total of **eleven-11** witnesses, details of which are already explained above in this judgment.

8. After examination and cross-examination of all the witnesses of the prosecution, the case record was taken up for examination of the accused persons under section 313 of the CrPC. The brief of incriminating material and evidence brought against the accused persons by the prosecution was narrated in brief to the accused, to which they denied everything as true, claimed themselves innocent and declined to adduce any evidence on their behalf; the defence evidence was also closed. Heard the argument of both sides thereafter.

Arguments:

9. During the argument, the learned Public Prosecutor while supporting the prosecution case stated that PW-1 disclosed about the payment of dowry as well as subsequent torture upon the deceased which resulted death of her daughter by the accused persons. He has further submitted that the death was caused in unnatural circumstances and when she visited her daughter's matrimonial home, she found that her daughter was hanging. He has further discussed on the evidence of PW-2 who supported the evidence of PW-1. He also discussed on the evidence of PW-7 as well as of PW-11 and submitted that prosecution is able to prove the case against the accused

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persons beyond reasonable doubt of offence under sections 498A/306 of IPC and the accused shall be convicted and sentenced.

10. On the other hand, learned Defence Counsel submitted that the mother of the deceased, examined as PW-1 failed to establish any ingredients of the offence punishable under sections 498A/306 of IPC. It is further submitted that about twelve-12 years ago there was a marriage in between the deceased and the accused/husband and at the time of death no complaint was lodged but at subsequent stage, this case was resulted for a dispute regarding guardianship of the children and also submitted that PW-3 to PW-6 failed to state anything about the alleged incident. He also discussed the evidence of PW-7 who held the post mortem examination of the dead body and PW-8 and PW-9 as well as PW-10 and submitted that PW-11 who is the Investigating Officer of this case made perfunctory investigation and at the conclusion of the argument, he has submitted that prosecution has failed to establish the case and prayed for the acquittal of the accused.

Points for determination:

- Whether the accused persons being the son-in-law and in-laws of her daughter, since deceased practised cruelty upon said deceased Tagori Pal(Halder) for demand of further dowry.
- Whether the accused persons in furtherance of common intention abetted the complainant's daughter namely Tagori Pal (Haldar) to commit suicide by hanging at their house?

Decision with reason

Evidence:

11. All the aforesaid points for determination are taken up together for discussion, to reach to a meaningful and logical conclusion since all these are interlinked and are chain actions of the same offence.

12. The defacto complainant was examined as PW-1 who is the mother of the deceased stated in her evidence that about twelve-12 years ago her daughter got married with accused no. 1/ Dhananjay Halder as per Hindu Rites and Customs and after that she went to her matrimonial home where she was subjected to torture by her husband and in-laws for non-fulfillment of satisfactory demand of dowry which she came to know from her daughter. Her evidence further states that when she came to know about this fact from her daughter, she visited the house of her in-laws on two occasions and reconciled the dispute. Her evidence further submitted that her daughter gave birth of two children from the wedlock and about five years ago from the date of

evidence, her daughter died by hanging. Her husband went to see her deceased daughter but failed to understand why their daughter died by hanging and subsequently, came to know that she died due to torture at her matrimonial home. She identified her complaint, marked as PW-1. On cross-examination, she failed to state the contention of her complaint and the date on which her daughter informed about torture upon her. She further replied that during marriage, they gave nothing as dowry or gift and also admitted that after one and half months of the incident, she lodged the complaint but there is no explanation of delay in such late lodging of complaint. She admitted that her son-in-law was army personnel at the time of death of her daughter and he was at his place of posting/work. It is also disclosed from her evidence that her son-in-law was living with his daughters at the house of the witnesses after death of her daughter/deceased and thereafter, he went to place of posting/work and bourn expenses of his children on one or two occasions. She admitted that there was a petition regarding custody of her daughter's children which is pending before the appropriate forum. She admitted that she did not mention that the details of demand of dowry in the complaint.

13. PW-2, who is the father of the deceased and husband of the complainant has stated that his daughter got married with Dhananjay Halder about twelve years ago and corroborated the contention of PW-1 in this respect. His evidence disclosed that he came to know about the torture from his daughter and he sat with the accused/son-in-law and in-laws to reconcile the problem with accused persons on two occasions and his daughter continued to live there but on 02.06.20 his daughter died by hanging. Receiving information of death, he visited the matrimonial home of his daughter and saw his daughter was hanging but failed to find any reason why his daughter died by hanging and he assumed either his daughter committed suicide by hanging due to torture at her matrimonial home or the accused persons killed his daughter by hanging. During cross-examination, he stated that on the date of death of his daughter, he made statement before the Investigating Officer.

14. PW-3 is the neighbour of the accused who stated that he heard that Tagori committed suicide by hanging but failed to state the reason.

15. PW-4 supported the view of PW-3 in evidence.

16. PW-5 stated that when he was returning from market after selling vegetable, he saw the gathering in front of the house of Dhananjay and on query, he came to know that Tagori died by hanging but failed to state the reason.

17. PW-6 also followed the suit of the PW-3 and PW-4.

18. PW-7 is a doctor who held Post Mortem examination of the deceased and opined that death was due to effect of hanging and ante mortem and suicidal in nature.

19. PW-8 produced the dead body of the deceased before the Autopsy Surgeon at Tamluk District Hospital for post mortem examination and his evidence goes to show nothing about the allegation.

20. PW-9 only held inquest over the dead body of the deceased and only identified the xerox copy of the inquest report attested by OC Kolaghat PS.

21. PW-10 in his evidence stated that she accompanied ASI Pradip Kr. Ponda(PW-9) in connection to the death of a lady of UD case and in her evidence Pradip Kr. Ponda held inquest over the dead body of the deceased and he identified her signature on the inquest report.

22. PW-11 is the investigating officer of this case, who stated that as per order of OC, Kolaghat PS, taking up investigation, he perused the FIR, visited the place of occurrence, drew up rough sketch map with index of the PO, examined necessary witnesses and recorded their statements, collected inquest report in connection with Kolaghat PS UD case no. 22/20 dt. 02.06.20 from the EO and collected P.M report from Tamluk District Hospital, held raid to arrest the accused but in vain, collected viscera of the deceased and forwarded the same to FSL, Kolkata and after completion of the investigation, he submitted a charge sheet against the accused persons for offence under sections 498A/306/34 of IPC. During cross-examination, he admitted that he came to know about any complaint being lodged with Kolaghat PS in connection to this case on which the investigation was made.

23. Charge was framed against the accused persons for an offence under sections 498A/306/34 of IPC.

Practicing cruelty:

24. An offence under section 498A of the I.P.C requires the following ingredients to be fulfilled by the prosecution:

- a. the woman must have married,
- b. she must be subjected to cruelty or harassment,
- c. such cruelty or harassment must have been shown either by the husband of the woman or by the relatives of her husband.

25. The word ‘cruelty’ has been defined in the explanation to section 498A of IPC. According to the same cruelty means-

a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or

valuable security or is on account of failure by her or any person related to her to meet a demand.

26. The complainant examined as PW-1 is the best witness of the alleged incident since she stated that her daughter has communicated everything about torture at her matrimonial home but the evidence of both the father and mother of the deceased failed to state the nature of torture or cruelty at her matrimonial home. She failed to state in which manner and on which occasions the accused demanded dowry from her or from her husband. PW-2 also failed to state when and at what occasions the accused demanded dowry from him or from his daughter/deceased. There is no evidence of practicing cruelty against the deceased at her matrimonial home and there is no corroborating evidence which proves that the accused have practiced any such torture upon deceased which comes within the nature of cruelty so stated hereinabove. The evidence of the prosecution failed to place on record any evidence which comes within the definition of cruelty against the deceased. Having considered the evidence of the PW-1 and PW-2, and the corroborating witnesses, no ingredient of the offence under section 498A of the I.P.C is made out.

Abetment to commit suicide:

27. Section 306 prescribes punishment for an offence of abetment to commit suicide. The ingredients of this offence are-

- i) the deceased committed suicide;
- ii) the accused instigated or abetted for committing suicide;
- iii) direct involvement by accused in such abetment for committing suicide;
- iv) the accused kept on irritating or annoying the deceased by words, deeds or wilful omission or conduct which may even be wilful silence until the deceased reacted or pushed or forced the deceased by his deeds, words or wilful omission or conduct to make the deceased forward more quickly in a forward direction, and
- v) that the accused had the intention to provoke or encourage the deceased to commit suicide while acting in the manner stated above.

28. In this kind of act or offence, *mens rea* is the necessary concomitant of instigation. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without positive act on the part of the accused to instigate or aid in committing suicide, a conviction cannot be sustained.

29. After meticulous consideration of the prosecution's evidence, this court does not find that any of the ingredients of the offence discussed above are present there. Prosecution failed to place evidence that shows even up to the stage of suspicion that the accused persons have committed any such offence which comes within this section. There is no live link or proximate link between the act of the accused and the act of

committing suicide; rather, evidence is advanced by the prosecution which shows that there was inordinate delay in lodging complaint and there is no satisfactory explanation behind such delay. The copy of inquest report does not disclose any grievance of the paternal family members of the deceased suspecting abetment to commit suicide by the deceased. The A-1 was absent at the place of commitment of the offence and the in-laws are not found to have any link with the death of the deceased which comes within definition of abetment so defined in section 107 of the I.P.C. after meticulous examination of the prosecution evidence, this court came to conclusion that there is no case of abetment from their side in the commission of suicide by the deceased.

Conclusion of Trial:

30. Having considered the entire evidence of the prosecution recorded during the trial of this case, it can be concluded that the prosecution failed to prove the case against the accused persons for which the charge was framed, and the accused persons are eligible to be acquitted.

31. Hence, it is

Ordered

that the accused persons, namely 1. Dhananjay Halder, 2. Mohan Halder, 3. Sarala Halder & 4. Aparna Halder are not found guilty of the offence punishable under sections 498A/306/34 of the Indian Penal Code and are acquitted of the charge under section 235(1) of the Code of Criminal Procedure, 1973.

They shall be set at liberty at once unless they are required in any other case and be discharged from bail bond liabilities.

Seized alamats, if any, shall be destroyed after the appeal period is over. Property seized as personal property, if any, shall be returned to its owner after proper verification and identification.

A copy of the judgement will be forwarded to the District Magistrate, Purba Medinipur and the Secretary of the DLSA, Purba Medinipur, for information, with copies of evidence and statements under section 313 Cr.P.C to enable the victim to appeal against the judgement if so desired.

The accused persons are directed to submit a bond of Rs. 1000 each of one surety subject to satisfaction of the learned CJM, Purba Medinipur under section 437A of the Cr.P.C which shall remain in force for 6 months.

Dictated & Corrected by

sd/-Annada Sankar Mukhopadhyay
(JO Code-WB 00863)
Addl. Sessions Judge
4th Court, Tamluk,
Purba Medinipur

