

Form-A

IN THE COURT OF : ADDITIONAL SESSIONS JUDGE, FAST TRACK COURT,
HALDIA, DISTRICT- PURBA MEDINIPUR.
Present : Smt. Aparna Chaudhuri
Additional Sessions Judge
Fast Track Court, Haldia,
District. Purba Medinipur
J.O. CODE: WB00849
Date of Judgment : [16.06.2026]
Sessions Case No. 03(04)2016
Sessions Trial No. 110 of 2016
CIS- 47/2016
TR. No. 66 of 2016
CNR No:WBEM050001092016

Sutahata P.S. case No. 104/2013 dated 14.05.2013 under sections 498A/304B/302 of the Indian Penal Code.

STATE OF WEST BENGAL.

Represented By- Sri Somnath Bhunia, learned P.P-in-charge

: Accused persons :
1. Sk Rahim Ali, 2. Sk Rejjak, 3. Sk Karim and 4. Rahana Bibi.

Represented By- Sri Bimal Majhi, learned Advocate

FORM B

Date of Offence	After some days 30.05.2009 till 13.05.2013
Date of FIR	14.05.2013
Date of Charge Sheet	14.10.2013
Date of Framing Charges	24.11.2016
Date of commencement of Evidence	05.01.2017
Date of the Judgement	16.06.2026
Date of the sentencing Order, if any	17.06.2026

Accused details:

Ran k of the Acc used	Name of the Accused	Date of arrest/app earance	Date of release on Bail	Offe nce char ged with	Wheth er Acquitt ed or convict ed	Sentence imposed	Period of Detention
1.	Sk Rahim Ali	21.08.2013	05.10.2013	Sectio ns 498A / 304B /302 of the IPC.	SL. No. 1 & 2 Convicted SL. No. 3 & 4 Acquitted	The convict 1. Sk. Rahim Ali is sentenced to suffer R.I. for Three (3) years and to pay a fine of Rs. 10,000/-, I.d. of payment of fine to suffer S.I. for four (4) months for the-	46 Days
2.	Sk Rejjak	07.11.2013	18.11.2013				12 Days
3.	Sk Karim	21.08.2013	05.10.2013				46 Days
4.	Rahana Bibi	03.07.2013	03.07.2013				N/A

						offence punishable u/s-498A of IPC. And R.I. for Ten (10) years for the offence punishable u/s-304B of IPC. The convict Sk. Rejjak Ali is sentenced to suffer R.I. for Two (2) years and to pay a fine of Rs. 10,000/-, I.d. of payment of fine to suffer S.I. for Three (3) months for the offence punishable u/s-498A of IPC and Rigorous Imprisonment for Seven (7) years for the offence punishable u/s-304B of IPC.	
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Form C

A. LIST OF PROSECUTION/DEFENCE/Court WITNESSES

Rank	Name	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS
P.W.1	Sk Asanulla	Defacto Complainant
P.W.2	Sk Rabiul Haque	Public Witness.
P.W.3	Sk Abdul Gani	Public Witness.
P.W.4	Sk Abdul Khalek	Public Witness (Seizure Witness)
P.W.5	Sk Amirul	Public Witness.
P.W.6	Sk Abdul Mamud	Public Witness.
P.W.7	Sk Samsur Ali	Public Witness.
P.W.8	Sk Sarfuddin	Public Witness.
P.W.9	Sk Yunus Ali	Public Witness
P.W.10	Sk Abdul Samad	Public Witness.
P.W.11	S.I. Sankar Das	Holding Police inquest
P.W.12	Saima Bewa	Public Witness
P.W.13	Dr. Ashok Kr. Banerjee	Doctor
P.W.14	C/861 Goutam Chakrabarti	Police
P.W.15	Dr. Arun Bhumik	Doctor (Post- Mortem)
P.W.16	Krishna Kishore Midhya	Deputy Magistrate cum Collector holding Magisterial inquest
P.W.17	SI Debabrata Bera	Investigating Officer
P.W.18	Sukumar Samanta	Scribe

B. Defence Witnesses, if any:

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

C. Court Witnesses, if any:

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

LIST OF PROSECUTION/DEFENCE/ Court EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit-1	Police inquest report
2	Exhibit- 1/1	Signatures of PW-1 on inquest report
3	Exhibit-1/2	Signature of PW-2 on Police inquest
4	Exhibit-2	Magisterial Inquest report prepared by Deputy Magistrate
5	Exhibit-2/1 & 2/2	Signature of PW-1 & 20/ on Magisterial Inquest
6	Exhibit- 3 & 3/1	Written Complaint itself and Signature of PW-1 on written complaint
7	Exhibit-3/2	The Signature of Scribe on W. Complaint.
8	Exhibit-4	The Seizure list dated 14.05.2013
9	Exhibit-4/1	The Signature of PW-7 on Seizure list dated 14.05.2013
10	Exhibit-5	Injury report of Victim.
11	Exhibit- 6/1	Signature of PW-14 on Seizure list dated 16.09.2013
12	Exhibit-7	Post Mortem Report
13	Exhibit- 8	Photocopy of Medical Paper on 13.05.2017
14	Exhibit-9 and 9/1	Rough sketch map and index of P.O.
15	Exhibit-10	Formal FIR

B. Defence:

Sr. No.	Exhibit Number	Description
1.	Exhibit-	Nil

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
1.	Exhibit-	Nil

D. Court Exhibits:

Sr. No.	Material Object Number	Description
1.		Nil

Sessions Case No. 03(04)2016
Sessions Trial No. 110 of 2016

State

Vs.

1. Sk Rahim Ali
2. Sk Rejjak
3. Sk Karim
4. Rahana Bibi

..... Accused Persons.

J U D G M E N T

1. Factual Matrix:

The Prosecution case in a nutshell is that one Sk Asanullah, S/o- late Sk Mansur, permanent resident of Village & Post: Kumorara, Police Station: Nandakumar, District: Purba Medinipur, the defacto complainant of this case lodged a written complaint in Sutahata P.S. stating interalia that on 30.05.2009, his daughter Amina Bibi (now deceased) got married to the accused namely Sk Rahim Ali, as per Muslim rites and customs. At the time of marriage, cash worth Rs. 20,000/- and other household articles were given as joutik on demand of the groom's family. At the time of marriage The Rs. 5,001/- was fixed as Denmohar (Dower). The further case of the prosecution is that after marriage, his daughter went to the house of his son-in-law and started to reside there with him as husband and wife. During the continuance of their said wedlock, she gave birth of a female child. After passing a considerable period of time his son-in-law pressurized his daughter to bring additional amount Rs. 40,000/- as joutik. His daughter informed him about such pressure to bring money to him. Due to his inability to fulfill that demand, the accused husband, along with the father-in-law, mother-in-law, and brother-in-law (debar), subjected the deceased to continuous physical and mental torture. The Complainant routinely intervened the matter for the continuous torture and assault upon his daughter and used to send her back to her matrimonial home. On 13.05.2013, at about 11:00 AM in the morning, the Complainant received telephonic information that the accused in-laws had locked his daughter inside a room and poured kerosene oil over her body, set her on fire,

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and bolted the door from the outside. Despite her screams, none of the accused family members attempted to rescue her. Local neighbors gathered at the spot, broke open the window, rescued the victim, and immediately brought her to the local Manjushree Hospital. Due to her critical condition, the attending doctor referred her to the Tamluk Hospital. While transit to Tamluk Hospital by the local people her condition was severely deteriorated near Nandakumar Bazar. She was immediately admitted to the local Khejurberia BPHC (Block Primary Health Centre), where the medical officer declared her brought dead. Accordingly, the written complainant was lodged in Sutahata P.S. against five(5) accused persons.

2. Investigation:

On the basis of said written complaint Sutahata P.S Case No. 104/2013 dated 14.05.2013 u/s 498A/304B/302/34 of IPC was registered and started. During the investigation the IO visited the PO, prepared rough sketch map along with index, seized one white colour plastic container containing some quantity of kerosene oil (it's mouth was opened), one match box containing sticks, five burnt sticks in extinguished condition, prepared seizure list, examined the available witnesses, holding raids for arresting the accused persons who were not found in the house, collected the copy of police inquest report as well as Magisterial inquest report, documents of Nandakumar PS UD case No. 18/13 dated 13.05.2013, copy of dead body challan, carbon copy of road challan, original copy of Pradhan by which the dead body was handed over, collected the copy of PM report of deceased from Tamluk district hospital, Collected kazinama from the defacto complainant, collected BHT of the deceased. He made prayer for ascertaining location of the accused persons before O.C. C.M.G. Cell. He held raid at different places for arresting the accused persons. Seized the wearing apparels of the deceased lying at Nandakumar PS, collected school certificate of one accused Sk Karim, examined the doctors who examined the deceased and hold the postmortem, the Enquiry Officer who hold the inquest.

After the completion of the investigation, the I/O submitted the charge-sheet being No. 236/2013 dated 14.10.2013 under Sec. 498A/304B/302/34 of IPC and 4 of D.P. Act against all the accused persons .

3. Commitment and transfer of the case record:

After submission of the charge sheet, the cognizance was taken by the Ld. ACJM Haldia and after supplying the copies to the accused free of cost, the case was committed to the Court of Ld. Additional District and Sessions Judge, Haldia. From the Court of Ld. Additional District and Sessions Judge, Haldia, the case record was transferred to this Court for trial and disposal as per law.

4. Framing of charge:

On 24.11.2016, the charge was framed against the five accused persons including Rahima Bibi (mother-in-law) along with above named accused persons u/Sec. 498A/304B/302 of I.P.C. The contents of charge so framed were read over and explained to all the accused and on being asked, all of them pleaded not guilty by saying “Nirdosh” and claimed to be tried and accordingly the date was fixed for evidence for the prosecution. During the continuance of the evidence of the prosecution accused Rahima Bibi, the mother-in-law of the victim was died and after going through the original death certificate of the accused the case was filed for ever against the accused Rahima Bibi. Total eighteen (18) witnesses including the defacto complainant, doctors, I.O., Officers holding the inquest and other public witnesses were examined on behalf of the prosecution.

5. Examination of the accused persons u/s 313 Cr.P.C :

After completion of the evidence of the prosecution, the accused persons above named were examined under section 313 of Cr.P.C. twice in presence of their Ld. Advocate as well as the State Prosecution. The particulars of their statements were reduced into writing in prescribed forms. As the accused declined to adduce any evidence for their defence, argument heard at length. From the answers given by the accused

during their examination u/Sec. 313 of Cr.P.C. and the questions asked during the cross-examination, it appears that the accused took the plea of complete innocence and failed to give any satisfactory answers to the court to the question as how and why the incident of burning of the victim took place in their house where the victim used to reside with them and was under their control. All of them took the plea that they were not present in the house at that time and know nothing. All the accused persons refused to adduce any evidence for their defence and afterwards the argument was heard at length.

6. Argument advanced by the Ld. P.P in charge :

It has been submitted by the Ld. PP-in-charge that the State prosecution has brought total eighteen witnesses before the court. The P.W.1 is the defacto complainant who corroborates the contents of the written complainant lodged by him. From the cross-examination of the P.W.1 in second page previous information relating to the dispute in Sutahata P.S. and previous torture upon his daughter by the accused and settlement in Sutahata P.S. have come along with demand of Rs. 40,000/- as dowry. The cross-examination of the P.W.1 failed to demolish the fact of demand and torture upon the deceased by the accused and the prosecution case remains intact. The P.W. 2 also corroborates the fact relating to demand of additional dowry, torture upon the victim and there is no denial in the cross-examination of P.W.2 about the settlement of dispute in Sutahata P.S. So, the fact of settlement being unchallenged in the cross-examination of P.W.2 supports the prosecution case. The evidence of P.W.3 relating to the demand of Rs. 40,000/- as well as infliction of torture upon the deceased by the accused corroborates with the evidence of P.W.1 and P.W.2. There is also no denial of settlement in the cross-examination of P.W.4. The evidence of P.W.4 also supports the raising demand of money as well as infliction of torture and attempt of settlement of the dispute and those are corroborated with the evidence of P.W.1 to P.W.3. The P.W.5 though turned hostile but during the cross-examination of the prosecution he stated about the fact of

settlement of the dispute and that portion of evidence remains unchallenged by the defence. The P.W.6 to P.W.10 and P.W.12 were turned hostile to the prosecution and most of them stated in their evidence that they did not find any accused in the house when they reached there hearing hue and cry. From the evidence of P.W.17 who is the I.O. of this case the fact that he also did not find any accused and tried to find the location of the accused supports that the accused were absconded. The evidence of the defacto complainant that he did not find any accused and the evidence of the P.W.6 and P.W.8 who stated that no family member of the deceased in her matrimonial home was found are also supported by the evidence of the I.O. and such subsequent conduct of accused after the incident by absconding from the place of occurrence becomes a relevant fact as per Evidence Act. The prosecution relies upon the evidence of P.W.1 to P.W.4 and P.W.5 from which the fact of torture upon the victim prior to her unnatural death within 7 years of marriage in her matrimonial home coupled with demand of dowry and attempt of settlement of the dispute prior to the death of the victim being unchallenged in cross-examination successfully establish the charge under section 498A/304B of the IPC against the all accused persons. But it has also been submitted that so far as the charge under section 302 of the IPC is concerned most of the prosecution witnesses who are the neighbours of the accused and who recovered the victim from the closed room stated that room was locked from the inside and the victim was recovered after breaking the windows of the said room, so, whether the door was locked from inside or outside that was raised a question of doubt and the statement of the victim before the doctor regarding pouring kerosene oil by herself implies infliction of self immolation by herself rather than forcefully pouring kerosene oil by others on her person and at last prays for conviction of all the accused persons under section 498A/304B of the IPC. The Ld. P.P. In-charge relied upon the case reference reported in (i) 2007 CRI. L.J. 20 (SUPREME COURT) in Trimukh Maroti Kirkan vs. State of Maharashtra and submits that the silence of the accused to explain how the incident occurred in their house being special knowledge of

them u/s 106 of Evidence Act suggests the failure on their part to establish the burden of special knowledge of them and that strengthens the prosecution case and proves the guilt of them.

7. Argument adduced on behalf of the accused person :

It has been submitted by the Ld. Advocate on behalf of the accused persons that (i) the evidence of P.W.1 i.e. the defacto complainant of this case is not fully corroborated with the contents of the written complaint lodged by him. Nowhere in the written complaint it is stated that three unknown persons were taking the victim by an ambulance to the hospital. There is contradiction in his 161 statement and the evidence adduced by him so far as manner of taking the victim by three unknown persons by an ambulance. (ii) Many prosecution witnesses admit the relationship between the defacto complainant with the accused were good and they have visiting terms to each other's house. The P.W.1 in his cross-examination admitted that the entire delivery cost of the child of the deceased was born by the father-in-law of the victim and the inmates of the deceased attended the marriage ceremony of his another daughter on his invitation and during the pregnancy of the victim her in laws wanted to keep her in their house. So, the conduct of the inmates towards the victim was always cordial and sympathetic. (iii) There is nothing to rely the evidence of P.W.2 and P.W.3 as both of them stated during their cross-examination that for the first time in the court they narrated the incident. (iv) The P.W.1 to P.W.4 all are related together with the deceased as well as the defacto complainant and so they are interested witnesses and their evidence should be judged cautiously as there is every possibility that they may be biased towards the victim. (v) the minor daughter of the deceased resides with the accused and there was no attempt on the part of the defacto complainant to bring her from the custody of the accused. (vi) The P.W.1 in his cross-examination stated that when his daughter was admitted in Nandakumar hospital the accused was present there. So , there is clear contradiction in the evidence of P.W.1 in his examination-in-chief and cross-examination regarding the presence of the accused in hospital after the burning incident.

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Moreover, in his cross-examination he admits that he is unaware about the contents of the written complaint, moreso, in the police inquest report as well as the in Magisterial inquest report though he was one of the witnesses, he did not disclose the cause of probable death of the victim and the incident of torture upon the victim. It was the earliest possible opportunity to narrate the incident to the enquiry officer holding the inquest but he missed the said opportunity. Though the defacto complainant in his examination-in-chief developed the fact beyond his written complaint that he brought the victim to the hospital from Girish More after boarding therefrom and three unknown persons left, he had ample scope to talk with the victim but surprisingly there was no talk between the victim and the defacto complainant. (vii) As per cross-examination of P.W.1 he admits that his another daughter Ambia got married after three years of Amina and the accused persons were invited and attended, showing the continuous good relationship prevailing between both the families. (viii) The P.W.6 and other prosecution witnesses stated that the door was locked from inside the room and the victim stated before the doctor of the hospital where she was brought soon after the incident that she herself set fire by pouring kerosene oil on her person and the said injury report was marked as Exhibit-5 at the time of examining the said doctor. There is no version of the victim relating to torture upon her by the accused before the doctor. (ix) The investigation was not properly done and the surrounding witnesses were not examined. (x) No investigation was done to ascertain the fact whether the victim had any mobile phone or whether she used to talk with the de-facto complainant through any phone-call. No phone set of victim was seized, no investigation about any settlement meeting during the lifetime of the deceased. (xi) For the argument shake if any demand of money is raised for the purpose of roof construction that cannot be tagged with the dowry demand. So, the State prosecution has failed to establish the charge under section 498A/304B of the IPC against all the accused persons beyond all reasonable doubt. The Ld. Advocate for the accused person referred the following case laws reported in (I) AIR 2003

SUPREME COURT 818 in Vimal Suresh Kamble vs. Chaluverapinake Apal S.P. And Another, (ii) 2014 (8) E Cr. N (SC) 484 in VIJAY KUMAR vs. STATE OF RAJASTHAN.

8. The point for determination

The only point to be considered whether the State prosecution is able to prove the charge u/Sec. 498A/304B/302 of I.P.C. against all the accused persons beyond all reasonable doubt or not?

9. Decision with Reasons :

In this case the charge under section 498A/304B/302 of IPC is framed against the accused persons above named. Before scanning the evidence let me discuss the basic ingredients of the aforesaid penal sections :-

1. Section 498A IPC: Cruelty by Husband or Relatives of Husband :- To establish an offense under Section 498A, the prosecution must prove three core elements:

- I. Marital Status: The victim must be a married woman.
- II. The accused must be the husband or a relative of the husband (by blood, marriage, or adoption).
- III. The woman must have been subjected to cruelty. Under this section, "cruelty" is explicitly defined as any intentional behavior of such a nature that is likely to drive the woman to commit suicide, or to cause grave injury or danger to her life, limb, or physical/mental health. It also includes harassing the woman or her relatives to coerce them into meeting any unlawful demand for property or valuable security, or because they failed to meet such a demand.

2. Section 304B IPC: Dowry Death : The essential ingredients for the offence punishable u/s 304B of IPC are as follows:

- I. The death of the woman must be caused by burns, bodily injury, or must occur otherwise than under normal circumstances.
- II. The 7-Year Timeline: The death must have occurred within 7 years of her marriage.
- III. It must be shown that soon before her death, she was subjected to cruelty or harassment by her husband or his relatives.
- IV. Such cruelty or harassment must be directly in connection with any demand for dowry.
- V. **The Legal Presumption:** Once the prosecution successfully proves these four elements, Section 113B of the Indian Evidence Act is triggered. The court must presume that the accused caused the dowry death, shifting the legal burden onto the defense to prove otherwise.

3. The essential ingredients for the offence punishable u/s 302 of IPC are as follows:-

- I. A human being is dead, and their death was directly caused by the act (or illegal omission) of the accused.
- II. The act must be committed with a specific mental state falling under Section 300 IPC:
- III. Intention to cause death.
- IV. Intention to cause bodily injury that the offender knows or is likely to cause the death of that specific victim.
- V. Intention to cause bodily injury that is sufficient in the ordinary course of nature to cause death.
- VI. Knowledge that the act is so imminently dangerous that it must, in all probability, cause death or bodily injury likely to cause death.
- VII. Absence of Exceptions: The act must not fall under any of the five general exceptions of Section 300 (such

as grave and sudden provocation, private defense, sudden fight, etc.), which would otherwise reduce the crime to Culpable Homicide.

10. Now to scan the evidence of the state prosecution in order to ascertain whether the charge labelled against the accused have been proved beyond all reasonable doubt or not. In this present case, the State prosecution in order to prove the above charge against the accused persons, has brought total eighteen (18) witnesses to prove the charge against the accused.

11. The P.W.- 1 namely Sk Asanulla, the de-facto complainant, has stated that he lodged this complaint against Rahim Ali, Rejjak Ali, Rahima Bibi, Karim and Rahana Bibi. Amina Bibi is his daughter who got married with Rahim on 30.05.2009 as per Muslim rites. Denmohar of Rs. 5001/- was fixed. He gave cash of Rs. 20,000/- along with gold chain, Jhumko pasa and some ornaments of silver. After marriage his daughter went to her matrimonial home. Initially she was happy. She gave birth of one daughter. After sometimes all the accused persons demanded cash of Rs. 40,000/- for renovation of their house. He failed to fulfill their demand. On next date his daughter telephoned him with request to come as the accused persons assaulted her on demand of money. The husband, parents-in-law, sister-in-law and brother in law assaulted her. The accused persons did not provide her proper food. On the next date he went to the house of his daughter. The family members of the accused did not give any importance to him. Since six months the accused persons used to assault his daughter. Once he himself settled the dispute. Afterwards settlement was held with the help of police. He further submits that on 13.05.2013 at about 11 am he got telephone with information that his daughter caught fire and she was taken to Manjusri Hospital and immediately he by hiring bus got down at Girish More with information about serious

condition of her daughter and she was taken to Tamluk Hospital. On the way he found ambulance through which his daughter was taken to Hospital. He stopped that ambulance and found three unknown persons there. He asked about family members and they replied that they have coming with money. After that he did not find three unknown persons. He alone took away his daughter to Tamluk Hospital in that ambulance. On the way he found serious condition of his daughter and asked driver of ambulance to take her in Nandakumar Hospital. In that Hospital his daughter was declared dead. The accused persons caused death of his daughter by setting fire. The doctor of Nandakumar Hospital immediately informed to the police. Police took away dead body. Police did inquest on dead body of his daughter. He admits that he put signature on the inquest report and lodged complaint before Sutahata PS.

12. In his cross examination he has stated that he has three daughters and one son. Amina died. Amina was his elder daughter. When Amina died his son was 13 or 14 years old. He used to visit the matrimonial home of his daughter, When he used to visit the matrimonial home of his daughter his wife accompanied him. His daughter gave birth of one daughter. At the time of death of his daughter the child was aged about 2 to 2½ years. Rashni Khatun is his granddaughter. Rashni resides with his son in law. Rashni Khatun did not visit his house after death of her mother. He did not take any information about education of Rashni Khatun. He cannot recollect whether he filed application for getting back of his granddaughter. His daughter during her pregnancy was in his house. Then says during pregnancy period his daughter frequently visited his house. Most of the time he used to take back his daughter. He also brought his daughter from matrimonial home. The accused persons wanted to keep his daughter at their house during her pregnancy. His daughter gave birth of baby at Nursing home at Manjushree at the supervision of Beyai Mosai. On the date of her discharge from nursing home he visited at

her matrimonial home accompanied with his wife. It takes half an hour to go to matrimonial home of his daughter by vehicle. His wife stayed at matrimonial home of his daughter for 3 or 4 days after delivery. After 1½ months of delivery he took back his daughter from matrimonial home. During that period his daughter remained at his house for 1½ months. He cannot say whether any ceremony of Annaprasan of Rashini was held or not. In his family there is no occasion of Mama vat or Annaprasan. His son-in-law are two brothers. One is Rahim and he cannot remember the other's name. In that house there are two rooms. He denied that the youngest brother is mentally retarded. When Rashni was aged about 2 years she used to visit his house with her mother. Prior to death of his daughter he reported the matter to Sutahata PS he cannot recollect whether he submitted that complaint when he lodged complaint after death of his daughter. When he admitted his daughter in Nandakumar hospital the accused were present. Police did inquest in his presence. Police inquired about death of his daughter. He cannot recollect whether he disclosed to police at the time of inquest about the cause of death. He cannot say the time when he visited PS on next date. He is able to read FIR but due to mental agony he could not understand contents of FIR. He thinks that he disclosed in his petition of complaint that his daughter informed him about demand of money over phone. He cannot recollect whether he mentioned in his petition of complaint that the accused persons did not provide food to his daughter. He mentioned in his complaint that the accused persons did not give him any importance. He cannot recollect whether he mentioned in his petition of complaint that since six months the accused persons used to assault his daughter. During those six months he took back his daughter at his house. He cannot say the period of said six months and its time and date. He did not take his daughter to government hospital for treatment. He did not inform to police about settlement. He mentioned in his petition of complaint that he after hiring bus got down at Girish More with information about

serious condition of his daughter and she was taken to Tamluk hospital. He also mentioned that on the way he found ambulance through which his daughter was taken to hospital. He also disclosed that when he asked about family members they replied the family members have been coming with money. He also mentioned that after that he did not find there unknown persons. He also mentioned that he alone took his daughter to hospital. He did not submit any documents as regards ornaments to police officer. The entire allegation and facts except marriage stated by the PW-1 in chief by putting suggestion that those are false to which the PW-1 replied negatively. The P.W. 1 further stated in his cross-examination that Ambiya is his another daughter who got married after three years of marriage of Anima; He invited family members of the accused. His son-in-law, daughter, and parents-in-law attended his invitation. They remained in his house one day. He sent them to matrimonial home of his daughter Ambiya and they went away from house of Ambiya. His elder daughter stayed at his home for 10 days during that time. Suggestion was put by the defence that his daughter stated for causing them separate or that she wanted to take separate mess with her husband or that Rahim is only earning member he wanted to stay at his family or that his daughter wanted to reside separately to which the PW-1 replied negatively and that he also denied that he stated falsely that the accused are responsible for death of his daughter.

13. The P.W.2 Sk. Rabiul Haque has stated that he knows Asanulla. He knows Amina Bibi and all the accused persons in this case. Amina got married with Rahim Ali as per Muslims rites. At the time of marriage cash of Rs. 20,000/- some gold ornaments were given as per demand of accused persons. The marriage was solemnized on 30.05.2009, after marriage Amina used to reside at her matrimonial home. After sometimes of marriage the accused persons demanded cash of Rs. 40,000/- for renovation of their house. But the father of Amina failed to fulfill their demand

resulting which dispute cropped up and all the accused persons used to assault Amina. The settlement was held with the help of Sutarehata PS but the accused persons set fire on body of Amina due to non-fulfillment of demand and interrogated him. He came to know about 12 noon. He remained at Girishmore. He was asked to get down to Girishmore from where they boarded ambulance. He asked unknown persons who are in ambulance about family members of accused. They replied they have been coming. Then they started towards Tamruk and on the way they went to Khejuria hospital, Nandakumar where she was declared dead. Police took away dead body. He identified his signature in inquest report the Magistrate also did inquest where he put his signature and Amina was ablazed by the accused persons by pouring kerosene oil and she died by burn injury.

14. In his cross examination he stated that he has house next to house of Ashanulla who is his maternal uncle, Abdul Gani is also his maternal uncle, Abdul Khalek is his brother. He disclosed all facts for the first time before the court. He did not disclose it to anybody else. He met with police on the death of deceased. He cannot recollect what he stated to police. He cannot say the date, time and year when he visited the house of Amina. He cannot say about brothers of Rahim. In the house of Rahim there are three rooms. He never entered inside the rooms. He did not disclose to police that the settlement was held with the help of Sutarehata PS, or he did not disclose to police that due to non fulfillment of demand the accused persons set fire on body of Amina. He denied that he has stated falsely that he disclosed to police that he remained at Girishmore or that asked to get down there or that boarded ambulance from Girishmore or asked unknown person who were in ambulance about family members, who replied they have been coming or that at the time of marriage cash of Rs. 20,000/- some gold ornaments were given as per demand of accused persons or that after sometimes of marriage

accused persons demanded cash of Rs. 40,000/- for renovation of their house or that the father of Amina failed to fulfill their demand resulting which dispute cropped up or that the accused persons used to assault Amina or settlement was held with the help of PS or that the accused persons set fire on body of Amina.

15. The P.W.3 namely Sk. Abdul Gani stated that in his evidence that he knows Sk Asanulla, he knew Amina Bibi and all the accused persons who are present in court. Amina got married with Rahim Ali on 30.05.2009 as per Muslim rites. At the time of marriage cash of Rs. 20,000/- and gold ornaments were given. After marriage Amina went to her husband's house. She was initially happy and she gave birth of one daughter. Afterwards all the accused persons started to create torture upon Amina Bibi on demand of cash of Rs. 40,000/- for construction of roof. But the father of Amina failed to fulfill their demand, for which the accused persons caused her death by burn injury on 13.05.2013. The incident occurred in her husband's house. The accused husband, parents-in-law, sister-in-law ablazed her. Police interrogated him. He cannot recollect whether he put his signature. He went to Nandakumar hospital. Afterwards deceased was taken to Nandakumar PS.

16. In his cross examination he stated that Ashanulla is his cousin brother. He came with Ashanulla that day. His house was 100 feet away from house of Ashanulla. He never visited matrimonial home of daughter of Ashanulla. He heard about the incident on the date of death. He heard about all incident from Ashanulla. He did not see the house of accused persons. He does not know the position of that house. He cannot say when he met with police. He cannot recollect whether he had any talk with police. He denied that at his own whims he disclosed that accused demanded cash of Rs. 40,000/- for renovation. He, for the first time, disclosed that fact before this court. He has two daughters and one son. But he cannot say their date of birth. he

attended marriage ceremony of Amina. he cannot say whether any written paper for giving joutuk was made or not. He denied that he stated falsely that at the time of marriage cash of Rs. 20,000/- for joutuk was given or that accused demanded cash of Rs. 40,000/- for construction of the roof or that the father of Amina failed to fulfill their demand or that for which accused persons caused her death by burn injury or that the accused husband, parents-in-law, sister-in-law ablated her. He denied that he adduced evidence falsely as per instruction of Ashanulla.

17. The P.W.4 namely Sk Abdul Khalek has stated in his evidence that Ashanulla is his maternal uncle. He knows all the accused persons who are present in court. Amina got married with Sk Rahim on 30.05.2009 as per Muslim rites. At the time of marriage, cash of Rs. 20,000/- and gold ornaments were given. After sometimes the accused persons created torture on Amina on demand of Rs. 40,000/-. But Asanulla failed to fulfill their demand. His maternal uncle took initiative to settle the dispute. One settlement was held in PS also in writing. On 13.05.2013 he came to know at about 11 am about burn injury of Amina in her matrimonial home. The accused persons ablated her. He went to Nandakumar hospital. He found her in burn condition. Police interrogated him. The accused persons set fire on body of deceased after pouring kerosene oil.

18. In his cross-examination, he stated that his house is 1/2 K.M. away from the house of Ashanulla, who is their maternal uncle. They visited the house of the accused prior to the marriage of Amina during the negotiation. They have three children. He could not say the dates of birth of their children. He further stated that they met the police on the next date of the incident, but thereafter stated that he could not say whether they had met the police. He denied that he falsely stated that the accused persons tortured Amina on account of a demand of Rs. 40,000/-, or that Ashanulla failed to fulfill their demand. He stated that he could not

recollect whether he had stated to the police that a settlement was held in writing. He denied that he falsely stated that the accused persons had set Amina ablaze. He denied that the accused persons were not responsible for the death of Amina. He denied fact that he was deposing falsely under the instruction of Ashanulla.

19. The P.W. 5 namely Sk. Amirul has stated that he knows Amina Bibi and Asanulla. he knows all the accused persons who are present in court. Amina got married with Rahim at about 5 or 6 years ago. After marriage Amina used to reside at her husband's house. he was residing there peacefully. Amina died at about 3 or 4 years ago at her husband's house by burn injury. he cannot say how he caught fire. She went to her house after hearing hue and cry. he found village people there. he did not see any of the member of accused there. Police did not interrogate him. This witness was declared hostile by the state prosecution.

20. In his cross-examination by the prosecution he denied that he stated to police that after marriage the accused persons put pressure for bringing more money or that Amina was not provided with the proper food or that did not provide her medical treatment or that all the accused persons poured kerosene oil on Amina and set fire on her body or that they recovered Amina after breaking door of window. The village people took her to Durgachak Hospital. The settlement was held over the issue of Amina. he went there at 11th hour. He has good relation with accused as they are my neighbour. He deined that being influenced by the accused she is concealing the real facts. In his cross-examination by the defence, he stated that his house was adjacent to the house of the accused. he further stated that Amina and Rahim had a good relationship. The male folk of accused did not in that house. They went for their work. Door was locked inside. Her body was recovered after breaking door of window. he stated that the villagers took Amina to Manjusri Hospital. He denied that he falsely

stated that he had gone there at the eleventh hour when the settlement was going on.

21. The PW. 6 namely Sk. Abdul Mamud has stated that they know Sk. Asanulla by face. He knew Amina and all the accused persons who are present in court. Amina got married with Rahim at about 5 years ago. Amina used to reside at her husband's house. He cannot say about any incident. He did not attend any salish held at Sutahata PS Amina died at about 3 or 4 years ago at her matrimonial home. He is van puller. When he was on the way he found gathering in house of Amina and found smoke from room. He found number of people entered into the room by breaking door of window. He also entered into the room and found Amina in burning condition. He lifted her and came from room. He went to her house and found one kerosene container having half kerosene. Half kerosene was on her body. He could not say how she caught fire. The accused persons are his village people and he has good relations with them. The police did not interrogate him. He did not see any family member of the accused when he went to recover the victim.

22. In his cross-examination by the prosecution, he denied that he had stated to the police that the accused persons regularly put pressure on Amina for bringing money or that due to non fulfillment of demand the accused persons assaulted Amina or that they tried their best to settle the dispute or that he heard hue and cry from house of Rahim uttering Bachao Bachao or that the accused persons after pouring kerosene oil on body of Amina ablazed her and fled away. He denied that as the accused persons are his neighbours he adduced evidence falsely being influenced by the accused.

23. The PW. 7, Sk Samsur Ali has stated that in his examination in chief he knows all the accused standing in court being village people. He also stated that he knew

Amina. He had seen father of Amina used to visit the house of Amina, who got married at about 5/6 years ago and started to reside at her matrimonial home but he does not know about her incident. PW 7 further stated that Amina died by burn injury but he cannot say how she caught fire at her matrimonial home. He visited the house of Amina when police came. He also stated that police seized one plastic mug having kerosene oil and match box from the house of Amina in his presence and he put signature in paper. He further stated that the mug was with dirt and that was not the said mug (shown to him in court by the prosecution). He also stated that police interrogated him.

24. In his cross examination by the prosecution after declaring him as hostile he declined his previous statement before the IO. But he admits that the accused are village people and he has cordial relation with them. The Prosecution put suggestion to him that intentionally he did not identify the seized container of kerosene in court to which he replied negatively. In his cross examination by the defence he stated that Amina had good relation with Rahim, he cannot say whether Amina died inside room after locking door. He heard that she was recovered after braking windows.

25. The P.W. 8 Sk Sarfuddin stated that he knows the accused as his neighbor having cordial relationship with him. He knows Amina. He knows Asanulla. Rohim got married at about 4/5 years ago. Amina used to reside at her husband house. He does not know any incident. Amina died at about 2/ 2½ years ago. She died by pouring kerosene oil at her husbands house at about 8.00 to 8.30 am. After hearing hue and cry he went there and found door was closed inside. He did not see any number of accused at that time. Police did not interrogate him.

26. During his cross examination by the prosecution after being declared hostile he denied the entire previous

statement before the IO. The prosecution during his cross-examination of this witness put suggestion that he falsely stated that the door was closed from inside to which the replied negatively. In his cross-examination by the defence, he stated that Amina Bibi led a beautiful life with her husband. The male member were going for their work at that time. They (witness) rescued Amina and informed the accused persons. Her parents used to come at house of Amina.

27. The PW. 9 namely Sk Yunus Ali has stated that he knows the accused persons Amina and Asanulla. Amina got married with Rahim at about 5 or 6 years ago. After marriage Amina used to reside at her matrimonial home. He does not know about any incident happened when she was at her matrimonial home. Amina died at about 3½ years ago. He found police came there. Being neighbour he went there and found one window is broken. The door was locked inside. Amina was recovered. In that place he found jar of kerosene oil and match box. The witness denies his signature on seizure list. After seeing the alamat, he failed to identify the said jar of kerosene. He heard that Amina made hue and cry by uttering and she was recovered and kept in chatai.

28. During his cross-examination by the prosecution after declaring him as hostile, he denied that he had stated to the police that the accused persons had put pressure on Amina for bringing money. He denied that he had falsely stated that the door was locked from inside, or that he had stated to the police that the accused persons had set fire to the body of Amina by pouring kerosene oil on her or that he did not recognize the mug intentionally. He denied that being influenced by the accused he was adducing evidence falsely.

29. The PW. 10 namely Sk Abdul Samad has stated that he knows the persons who are present. They are his neighbour. He has cordial relation with them. He knew Amina. He does

not know Sk Asanulla. Amina got married at about 5 years ago. She used to reside at her matrimonial home. He does not know any incident. Amina died by burn injury at her matrimonial home. When he was on the way of duty he found village people rushed towards house of Amina. He found the doors and windows were closed and smoke was emitting. Police did not interrogate him.

30. During his cross examination by the prosecution after declaring her as hostile being her in-laws he denied that he stated to police that the accused persons being in laws subjected Amina with physical torture or that the accused persons set fire on her body after pouring kerosene oil. He also denied that being influenced by the accused. He was adducing evidence falsely.

31. The PW-11 SI Sankar Das was examined as P.W.11 who is the inquest Officer and he stated in his examination-in-chief that on 13.05.2013 he hold the inquest on the dead body of Amina Bibi D/O- Sk. Asanulla in connection with Nandakumar P.S. U.D. case No. 18/2013 dated 13.05.2013 and sent the dead body to the Tamluk Hospital for postmortem.

32. In his cross-examination he has stated that apart from doing inquest he has no personal knowledge and none of the witness disclosed about cause of death. The Inquest was held in presence of the relative of the deceased and her father.

33. The P.W. 12 Saima Bewa has stated in her examination-in-chief that Amina got married with Rahim at about 7-8 years ago, who used to reside at his matrimonial home. Amina died at about 5 years ago. She heard that Amina caught fire at her matrimonial home but she can not say how she caught fire and she was not interrogated by the police.

34. During her cross-examination by the prosecution after declaring her hostile she denied her entire previous statement before the I.O. under section 161 of the Cr.P.C. During her cross-examination by the defence counsel she stated that Amina Bibi used to reside at her matrimonial home happily. Amina caught fire closing door inside. After hue and cry she reached to the spot and rescued her after breaking the door and took her to the hospital. At that time Rahim and his family members were not at their house.

35. The P.W. 13 Dr. Ashok Kr. Banerjee has stated in his examination-in-chief that On 13.05.2013, he was posted at Haldia Sub Divisional Hospital as MO. On that day he examined one patient namely Amina Bibi, Muslim, Female, aged 20 years, W/O Sk Rahim. On examination he found deep burn, face neck, front of chest, abdomen, both arms and forearms, genitalia both thigh front and lateral part, both back legs, the burn injury was 80%. He identified the medical examination report duly filled up and signed by him with seal. The injury report dated 13.05.2013 was marked exhibit- 5.

36. During cross examination he stated that he noted down the statement of patient who stated history of assault before him.

37. P.W. 14 C/861 Goutam Chakrabarti has stated in his examination-in-chief that on 13.05.2013, he was posted at Nandakumar PS as Constable. On that day he was accompanied with SI Shankar Kr. Das and went to Khejurberia BPHC on receiving one information of death. Out officer SI Shankar Kr. Das conducted inquest over dead body of the said deceased person and thereafter handed over the body to him for carrying PM. He brought the dead body at Tamluk Hospital for Post Mortem with dead body challan. He identified the dead body challan which bears his signature. On 16.09.2013, he was posted at Nandakumar

PS on that day SI Shankar Kr. Das handed over the some articles to SI Debabrata Bera of Sutahata PS and prepared a seizure list wherein he put his signature thereon. He identified the said seizure list dated 16.09.2013 and his signature.

38. In his Cross examination he has stated that today, the seized alamats are not produced in the court. He cannot say the description of seizure items. Fact that as per instruction of their officer, he put his signature on the seizure list. He has no personal knowledge about the incident.

39. P.W. 15 Dr. Arun Bhunia has stated in his examination-in-chief that then he was posted at Tamluk District Hospital, Medical Officer as a Specialist of Pediatric Disease. On 13.05.2013, he was posted at the same place. On that day, he conducted a postmortem over a dead body of a female Amina Bibi aged 22 years, wife of Sk Rahim of Tejpur, under the police station of Nandakumar, Purba Medinipur, in connection with Nandakumar police station U.D. case no. 18/13. The body was identified C/861, Goutam Chakroborty of Nandakumar police station. On examination, he found that a moderaly built female of normal age 22 years, rigors mortise were present all over the body. Burn wound found over all body save and except some portion of leg. Burn third degree all over the wound body except skull and membrane intact. He did not find an external injury all over the body. Genital organ was normal, white colour liquor in the stomach and a rubber cathodal pipe entered into inside. He found that liver was contested in her body. After examination, he gave, opinion that the death was caused by septicemia and 90% burnt injury which was anti-mortem in nature. He identified the postmortem report duly filled up by him with his signature and seal. The postmortem report dated 14.05.2013 is marked as exhibit-7.

40. In his cross examination by defence his stated that prior to conducting the postmortem report, he had consulted the inquest report and he did not find any other injury save and except burn injury.

41. P.W. 16 Krishna Kishore Midhya has stated in his examination-in-chief that Now, he was posted at SDO Office, Bangow, Dist North 24 Parganas as Deputy Magistrate cum Deputy Collector. On 13.05.2013, he was posted at DM Office, Tamluk as Deputy Magistrate Cum Deputy Collector. On that day he conducted inquest over dead body of Amina Bibi, W/O Sk Rahim of village Tajpur, PO- Tajnagar, PS- Sutahata at compound of Nandakumar PS in connection with Nandakumar PS UD case no. 18/13 dated 13.05.2013. On examination he found that whole body of Amina Bibi had burnt injury. He identified the inquest report filled up by him, having his signature and official seal. He conducted inquest over dead body in presence of two witnesses namely Sk Ashadulla and Sk Rabiul Haque. The witnesses also signed on the inquest report in his presence. He noted down in his report that the cause of death is burn injury.

42. During his cross examination he stated that the witnesses did not disclose the cause of her death.

43. The P.W. 17 SI Debabrata Bera has stated in his examination-in-chief that on the day, the the then OC Sutahata PS endorsed one case being Sutahata PS case no. 104/13 dated 14.05.2013, u/s 498A/304B/302 of IPC for investigation. During investigation, he visited the PO seized one white colour plastic container with containing some quantity of kerosene oil but his mouth was opened, one match box containing stick and five sticks were burnt and extinguished condition there seized under a seizure list. He identified the said seizure list duly signed by him and two witnesses. He prepared rough sketch map of the PO with its

index, in a separate sheet of pages and identified the same in court. He held raid but he could not success to arrest the FIR named accused persons and thereafter, engaged source, examined and recorded the statement of witnesses u/s 161 Cr.PC and thereafter he returned back at PS. The dead body of Amina Bibi was lying under PS Nandakumar and for which inquest was held under PS Nandakumar. So, he collected the copy of inquest, copy of FIR, copy of FIR of Nandakumar PS UD case no. 18/13 dated 13.05.2013, the copy of complaint of said UD case complaint by the doctor, carbon copy of inquest report, xerox copy of dead body challan, xerox copy of Magisterial inquest, carbon copy of road challan, carbon copy of dead body challan, original copy of Pradhan by which the dead body was handed over. On 21.05.2013, he collected original copy of PM report of deceased Amina Bibi from Tamruk district hospital. He received Kajinama (Magistrate certificate) of deceased from the complainant. He made prayer for ascertaining location of accused person before O/C, CMG cell. He held raid at different places under PS Durgachak for arresting the accused person. He collected BHT of deceased from Haldia hospital who was firstly admitted at Haldia hospital. He further examined and recorded the statement of other witnesses. He seized the wearing apparels of the deceased lying at Nandakumar PS. He examined EO SI Shankar Kr. Das and C/861 Goutam Chakrabarti of Nandakumar PS and recorded their statements, He collected school certificate of one accused Sk Karim. After completion of investigation and consulting with the senior officer, submitted charge sheet being no. 236/13 dated 14.10.2013 u/s 498A/304B/302 of IPC and 4 of DP Act against five FIR named accused persons. Witness Sk Amirul made his statement that after marriage on all accused persons put pressure to bring money or that Amina was not provided with proper food or he did not provide her medical treatment or all the accused persons in conspiracy each other poured kerosene oil on Amina and set fire on her body or recovered Amina after breaking door of window. The PW-17 further admits that

Witness Sk Abdul Mamud made his statement that the accused persons regularly put pressure on Amina to bring money or due to non fulfillment of demand, the accused persons used to assault Amina or they tried to settle the dispute. He also stated that this witness SK Abdul Mamud also made his statement that he heard the sound of Bachao Bachao from house of Rahim or that the accused persons poured kerosene oil on body and set fire on the body of Amina and thereafter fled away. He stated that Witness Sk Samsur Ali made his statement that accused persons used pressure upon Amina to bring money from her parents house. Due to non payment they used to torture and lastly poured kerosene oil and set fire on body of Amina and fled away. He again stated that Witness Sk Yunus Ali made his statement that the accused persons used to pressure on Amina to bring money or the accused persons set fire on body of Amina by pouring kerosene oil. Witness Sk Abdul Samad made his statement that accused persons used to torture upon Amina and they also set fire on her body after pouring kerosene oil.

44. During cross examination he stated that this case was endorsed to him on 14.05.2013, at night 12.05 am. GDE CD and PD are open for investigation. He examined and recorded the statement of witnesses but their statements were not verified. Fact that he did not investigate about the financial capacity or economical condition or employment of father of deceased. Fact that he did not investigate regarding cash and ornament which was given in marriage. He arrived at the PO at night 12.30 am and returned back at about 7.35 am, in the morning. He personally went to Nandakumar PS on 16.09.2013. Prior going to Nandakumar PS he collected the papers as stated in chief through one messenger. He did not service notice before examination of the witnesses. As he found the available witnesses at the PO. The house of Kader Malik was denote B, the house of Sk Alauddin as denote D and the house of Sk Jalil denotes E in the index, he did not examine the above said persons u/s

161 of CrPC and voluntary stated they were not available. He admits that there is no note in the CD as why these above said persons were not examined. There is no note in the CD as how the deceased was shifted to Nandakumar hospital from SD hospital, Hladia. The deceased had no mobile phone in her own. There is no note in the CD as whether deceased was carrying mobile phone or not. It is no note in the CD as whether father of deceased made any correspondence with her daughter through mobile phone or not. From the statement, it appears that the deceased has child and her child is in custody of accused but he did not verify regarding the child. The parents of the deceased did not make application in writing to return back the deceased child in their custody. He did not verify the the column-9 as reported in the injury report exhibit-5 by any witnesses. The witness Rabiul Haque did not make his statement that he asked unknown person who are in ambulance about family members of accused. The witness Abdul Gani did not make his statement as like words Rs. 40,000/- for construction of roof and over the issue the accused persons used to torture. But he made his statement that Amina was tortured over more demand. The witness Abdul Khalek did not make his statement as like that one settlement was held in PS also in writing. He did not examine Pradhan either in area of parental house or area in law's house of the deceased to ascertain any salish was held prior to this incident. He denied that the statement of witnesses were recorded by him, it is a table work. He denied that his investigation is improper.

45. The P.W. 18 stated that he wrote a complaint as per instruction of Sk Asanulla. He put his signature as writer on the complaint. Asanulla put his signature. He read over the complaint who had satisfied and put his signature.

46. During cross-examination of he was practicing in Tamluk Court as an advocate. The words as he wrote the complaint as per instruction of complainant is not written in

the complaint. He denied that complain was not written as per instruction of the complainant.

47. After scanning the evidence of the prosecution witnesses, the following key points are needed to consider to determine whether the charge against the accused persons are proved beyond all reasonable doubt or not?

(i) Whether the deceased had any marital relation with the accused and was subjected to cruelty or harassment in connection with demand for dowry by the accused persons ?

(ii) Whether the deceased died otherwise than under normal circumstances within seven years of marriage?

(iii) Whether the accused persons committed murder of the deceased ?

48. Before the appreciation of evidence by the prosecution witnesses, let me refer the observation of the Hon'ble Apex Court appropriate in such context. In 2007 CR,LJ 20, in Trimukh Maruti Kirkan Vs. State of Maharashtra, the Hon'ble Apex Court was pleased to hold that "The demand for dowry or money from the parents of the bride has shown a phenomenal increase in last few years. Cases are frequently coming before the Courts, where the husband or in-laws have gone to the extent of killing the bride if the demand is not met. These crimes are generally committed in complete secrecy inside the house and it becomes very difficult for the prosecution to lead evidence. No member of the family, even if he is a witness of the crime, would come forward to depose against an-other family member. The neighbours, whose evidence may be of some assistance, are generally reluctant to depose in Court as they want to keep aloof and do not want to antagonize a neighbourhood family. The parents or other family members of the bride being away from the scene of commission of crime are not in a position to give direct evidence which may inculcate the real accused except regarding the demand of money or

dowry and harassment caused to the bride. But, it does not mean that a crime committed in secrecy or inside the house should go unpunished. If an offence takes place inside the privacy of a house and in such circumstances where the assailants have all the opportunity to plan and commit the offence at the time and in circumstances of their choice, it will be extremely difficult for the prosecution to lead evidence to establish the guilt of the accused if the strict principle of circumstantial evidence, as noticed above, is insisted upon by the Courts."

49. The Hon'ble Apex Court was also pleased to hold in that judgement that "Where an offence like murder is committed in secrecy inside a house, the initial burden to establish the case would undoubtedly be upon the prosecution, but the nature and amount of evidence to be led by it to establish the charge cannot be of the same degree as is required in other cases of circumstantial evidence. The burden would be of a comparatively lighter character. In view of Section 106 of the Evidence Act there will be a corresponding burden on the inmates of the house to give a cogent explanation as to how the crime was committed. The inmates of the house cannot get away by simply keeping quiet and offering no explanation on the supposed premise that the burden to establish its case lies entirely upon the prosecution and there is no duty at all on an accused to offer any explanation." The Hon'ble Apex Court was further pleased to hold that "the law, accepts for it, probability as a working substitute in this work-a-day world. The law does not require the prosecution to prove the impossible. All that it requires is the establishment of such a degree of probability that a prudent man may, on its basis, believe in the existence of the fact in issue. Thus, legal proof is not necessarily perfect proof; often it is nothing more than a prudent man's estimate as to the probabilities of the case."

50. Now coming to this particular case relating to the offences under Section 498A and 304B of IPC. The marriage of Amina Bibi with Sk. Rahim as per Muslim rites and customs, the relationship of the accused with the victim as husband and other-in-laws and the unnatural death of the victim within seven (7) years from the date of her marriage with accused Sk. Rahim Ali in her matrimonial home are admitted facts being not challenged by the accused. The evidence of PW-1 consistently disclosed that the deceased was subjected to cruelty and harassment on account of demand of additional dowry in her matrimonial home. The contents of the written complaint clearly shows such averment made by the defacto complainant against the husband of the deceased, namely Sk Rahim Ali to the effect that he demanded Rs. 40,000/- as additional Joutuk and the deceased was pressurized by him to bring the same and due to the non-fulfillment of the said demand by the defacto complainant duly conveyed by the deceased, she was tortured and assaulted continuously in her matrimonial home by her husband and other accused persons. So, the initial allegations relating to create pressure upon the deceased for bringing Rs. 40,000/- was from the side of the accused/husband of the deceased, but the PW.1 made slight improvement on it during his evidence by adding that all the accused persons together demanded Rs. 40,000/-. The FIR is totally silent about the purpose of such demand, but the evidence shows that the said demand of Rs. 40,000/- was for the purpose of renovation of the roof. The other PWs (PW-2 to PW-4), also corroborate the said evidence of PW1. They also stated that the purpose of demand was for the renovation of roof. The evidence of those prosecution witnesses also shows that the consequence of non-fulfillment of such demand was the consistent torture and assault upon the deceased along with the refusal of food to her. At the time of argument, it has been argued by the defence that the demand of money for the purpose of renovation of building for enlargement of family does not include within the term 'dowry', but in this case, there is no

evidence throughout the case record that such demand was a mere domestic financial request between spouse. Rather, it is evident from the evidence of the PW-1 to PW-4 that the due to non-fulfillment of the said demand, the torture and continuous assault was the consequence upon the victim wife. It was no way a mere innocent request, rather it was a pressure upon the victim as well as her family members. It also appears from the evidence that the de facto complainant, the father of the deceased, had to go frequently to her matrimonial home to mitigate the situation and kept her in her matrimonial home again. So, it appears that such demand was not without coercion or nexus to marriage. The manner and mode of demand and its consequence includes such demand under the category of 'dowry'. The situation was so aggravated that the witnesses (PW1 to PW4) stated that salish was arranged and even the intervention of PS authority was also involved and the fact of such salish or settlement in the matrimonial home of the deceased also came from the cross-examination of the P.W.1 and are not challenged during the cross-examination of the PW1 and PW4 by the defence. The P.W.5, a neighbor of the accused though turned hostile also admitted about such settlement during his cross-examination by the prosecution. Though the investigating officer did not collect independent witness regarding salish meeting or salish by the intervention of the P.S. authority it simply amounts to the flaw of investigation and for that reason the testimony of P.W.1 to P.W.4 can not be discarded on that ground. During the argument the defence raised the question that the P.W.2 to P.W.4 are the relatives of the deceased and connected with the P.W.1 and their testimony can not be relied upon. In the matrimonial dispute the incident happened within the four corners of room or in the matrimonial home. It is expected that in order to keep the secrecy of situation the matter hardly been circulated or published to the third person apart from the close relatives unless in extra ordinary circumstances under compulsion. So, for the dignity of the relationship it is the tendency of the persons

in every household to keep the story of their own house in secret without any advertisement to the society at large for the goodwill of the family. So, it is expected that the close relatives are the best persons to know about the family affairs. So, the evidence of P.W.2 to P.W.5 can not be discarded only on the ground of close relationship with the victim of defacto complainant.

51. However, upon careful scrutiny of the evidence, it appears that the allegations against the accused Nos. 3 and 4 (brother-in-law and sister-in-law) are omnibus and general in nature. No witness has specifically stated the particular overt act committed individually by accused nos 3 and 4. As mother-in-law of the victim had already died during the trial any discussion relating to her role and participation in the alleged offence becomes unnecessary. Mere general allegation that “the accused persons” demanded Rs. 40,000/- and due to non-fulfillment of the said demand the victim was assaulted by them is insufficient to hold each of the relatives guilty beyond reasonable doubt in absence of clear and cogent evidence regarding their individual participation. But the position of the accused no. 1, namely Sk Rahim Ali, the husband of the victim and the accused Sk. Rejjak – the father-in-law of the victim as well as head of the family stand on a different footing. The deceased admittedly resided with them in the matrimonial home under their care and protection and died an unnatural death therein within seven years of marriage. Evidence relating to dowry demand, support of such demand and cruelty against the husband and father-in-law remains consistent from the FIR to evidence of PW-1. These accused also failed to offer any reasonable explanation regarding the circumstances under which the victim sustained fatal burn injury inside the matrimonial home either in evidence or during their examination under section 313 of Cr.P.C. when they were specifically asked such questions by the court. They only stated during their examination under section 313 of Cr.P.C.

that they left for job in the morning and failed to state why and how such incident occurred within their house.

52. Under section 113 (B) of the Indian Evidence Act, once it is shown that soon before her death a woman is subjected to cruelty or harassment for or in connection with dowry demand and dies otherwise than under normal circumstances within seven years of marriage, the court shall presume that such person caused the dowry death. There is specific allegation against her father-in-law namely Sk. Rejjak and the husband namely Sk. Rahim for infliction of torture upon her for the non-fulfillment of dowry of demand of Rs. 40,000/-. The evidence of P.W.1 also stated that he used to assault the victim and the also refused to provide food to her. The P.W.2 to P.W.4 also support the such torture. In the police inquest report the existence of lacerated wound on the toe of the victim was found. The continuous harassment for want of additional Rs. 40,000/- is proved by several salish and that portion remains unchallenged.

53. In the present case, the foundational facts necessary for attracting the statutory presumption stand established against accused husband and father-in-law. The defence failed to rebut the said presumption satisfactorily. Though several witnesses, who are the neighbours of the accused and a van puller in that locality, turned hostile, but most of them stated that hearing her hue and cry, when they went to the matrimonial home of the deceased and recovered the victim by breaking open the window of the closed room, they did not find any of the family members of the accused in that house at that time. Several neighbors of the accused were examined. They also kept mum regarding the whereabouts of that minor child. Though prosecution witnesses who turned hostile stated that local people brought the victim to the hospital. The PW-1 in his examination-in-chief stated that no accused were present with the victim in ambulance. The IO was examined as PW-

17 in this case, who also stated that during the raid, he did not find any accused and he prayed for the location of the accused as all of them were absconded. So, the subsequent conduct of the accused becomes vital and relevant in this case. Though prosecution witnesses turned hostile and stated that the male members of that family went for work, but the accused persons kept their absence unexplained by themselves. No evidence is there from the side of the accused about their reasonable unexplained absence at PO at the time of the incident. The FIR as well as the evidence of the PW-1 shows that he was informed about the incident at about 11 a.m. in the morning, but no such evidence has come before the court actually at what time the incident occurred in the house of the accused persons. The defence did not try to explain when and how the incident occurred in their own house as the matter was their special knowledge as per section 106 of Evidence Act.

54. The admission of PW-1 in his cross-examination that the accused attended another daughter's marriage, cordial visit continued, expense of child birth were borne by the accused side, child is residing with the accused and accused were present at hospital, though may help to defense, to argue that relationship was not continuously hostile and that the accused family maintained normal social relation, however, these admissions are not necessarily destructive of the prosecution case totally in dowry-related matrimonial offence, continuance of social relation is common due to family compulsion. Attendance in marriage ceremonies does not erase the prior or post-cruelty. Bearing child birth expenses is also a normal marital obligation. In the cross of P.W.1 he did not specify in which hospital the accused was present. The P.W.1 brought the victim from Girishmore to Nandakumar hospital. In this particular situation the answer of the accused husband namely Sk Rahim Ali during his examination under section 313 of Cr.P.C. differs. As per his answer during the examination under section 313 of Cr.P.C. he stated that he was in the ambulance with his

wife but in Girishmore when ambulance was stopped he was assaulted by the P.W.1 and his associates and then he fled away. All the neighbors who were examined in this case though turned hostile deposed that no male members in that house were found present or no accused were present in that house when they went there hearing hue and cry of the victim and the neighbors brought the victim to the hospital at Manjushree. None of them stated in their evidence that they saw any accused in Manjushree hospital. The P.W.1 in his evidence also stated that the victim was brought by three unknown persons to whom he enquired about the family members of the matrimonial home of the victim. Throughout the evidence, the defence did not raise any question about the presence of the any accused in the hospital where the victim was primarily brought or presence of any accused in the ambulance when she was brought to the Tamluk Hospital or on the way at Girishmore the accused/husband was assaulted by the P.W.1 and his associates or then the accused/husband fled away from the spot. In the injury report of the victim exhibited in this case no signature of the family members of her matrimonial home is found. Seemingly, there was improvement in the explanation given by the accused/husband in his examination under section 313 of the Cr.P.C. without any cogent evidence.

55. The FIR as well as the supporting evidence of PW-1 to 4 and PW-5 that the victim was brought by the local people and not by the husband or in-laws, become incriminating circumstances against the accused. One more important point to note that admittedly the death was unnatural within 7 years of marriage and the victim women was at a very young age about 20 years having a lap child of two years of her own. That unnatural death may be either homicidal or suicidal. The human conduct varies from person to person and suicidal behaviour depends upon surrounding circumstances, mental condition, social pressure, cruelty, humiliation, fear, depression, domestic violence, dowry

harassment, economic distress or emotional instability. At the same time, the existence of a young child is certainly a relevant circumstances while appreciating evidence. Ordinarily, maternal attachment and responsibility towards a child may operate as a strong psychological restraint against self destruction. Therefore where a young mother with lap child dies unnaturally, the court may legitimately examined whether there existed some grave or compelling circumstances driving her to such an extreme steps. In this particular case there is no suggestion from the side of defence relating to suicidal or self immolation of the victim for any cause for that. The only suggestion put by them to the father of the victim (P.W.1) during the cross-examination that she wanted to reside separately with her husband which was replied negatively. But the accused persons themselves did not support such suggestion of the defence during their examination under section 313 of Cr.P.C. There is no prima facie evidence of previous suicidal attempt of the victim or for any other reason other than dowry harassment or torture for which she was depressed. Though motherhood does not make self immolation impossible but the existence of a small child may be treated as an important surrounding circumstances while assessing the probability, motive and the effect of matrimonial cruelty.

56. At the same time the injury report exhibited in this case contains the history that the victim stated to the doctor that she herself poured kerosene oil upon her person. But nothing is mentioned there whether the victim was conscious or oriented at that time or whether she had any capacity to speak at that time before the doctor with 80% - 90% burn injury. Moreover, no signature or LTI of the victim is transpired from the injury report exhibited in this case. No specific substantial evidence on behalf of the doctor (P.W.13) before the court that victim stated him during examination that she herself poured kerosene oil on her person and set herself on fire, though he(P.W.13) admitted about recording of history of assault in his cross-examination. So, such

statement of the victim has not been proved conclusively and becomes doubtful. The post-mortem report and the Magisterial inquest report do not reveal any external injury suggested the assault or resistance. But the police inquest report exhibited in this case, shows the existence of lacerated wound on the toe of the victim. No eyewitness has stated that any accused person set fire upon the victim. The de facto complainant who stated in his evidence that he was in the ambulance by which the victim was brought to the hospital, had ample scope to talk with the victim, but throughout his evidence nothing is found that the victim informed to him anything about forcibly pouring kerosene oil by the accused on her person and ablazed her. Several neighbours of the accused were examined in this case but all of them turned hostile to the prosecution and stated that the room was locked from the inside and they recovered the victim from the said room by breaking the windows. No photographs of crime-scene was procured by the I.O. No seizure of broken windows during the investigation, no attempt by the I.O. to reveal during investigation whether the door of that room was locked from outside or inside though the 161 statement of several neighbours or local people were recorded. The same was deliberately avoided by the investigating authority. Such relevant circumstantial evidence were lost in this way.

57. Now to sum up the entire prosecution case in a nutshell and it's legal consequence:

A. Preliminary Findings :-

From the evidence discussed, the following facts appear to stand proved:

- i. It is undisputed that the victim Amina Bibi got married with Sk. Rahim Ali on 30.05.2009 as per Muslim Rites and Customs and her death was occurred on 13.05.2013 i.e. within seven (7) years of her marriage. It is also undisputed that the accused persons are the husband and in laws of the victim Amina Bibi.

- ii. The victim died an unnatural death due to burn injuries. The injury report and post mortem report of the victim are exhibited in this case to prove the said facts.
- iii. The death occurred inside the matrimonial home.
- iv. Evidence of demand for money for construction of the roof and consequent cruelty is available from the evidence of the PW-1 who is the father of the victim as well as the defacto complainant and other corroborated witnesses PW-2 to PW-4.
- v. Salish/settlement meetings took place during the lifetime of the victim, which is corroborated by PW- 2 to PW-4 even by some hostile witnesses(PW-5) with the evidence of the defacto complainant PW-1. That fact of settlement also come from the cross-examination of PW-1 and remains unchallenged from the cross-examination of PW-5.
- vi. As per evidence of PW-1 the husband of the victim Sk. Rahim Ali demanded Rs. 40,000/- for the renovation of roof and the accused persons used to torture upon her mentally and physicaly due to non-fulfillment of such demand. They used to assault her consistently and refused to provide food to her. The salish meetings were held to solve the dispute. The PW-1 states that since the six months such pressure and harrassment was continued. PW2 to PW-6 also corroborate such pressure for dowry and consuquent torture upon the victim and the salish meetings held to solve the dispute. During the cross-examination of PW-1 to PW-4 no contradiction of the witnesses was taken by the defence with the substantive evidence of these witnesses with their previous statements before the I.O. u/s 161 of Cr.PC. The prosecution has proved cruelty and harassmt in connection with dowry demand soon before death.
- vii. The accused have not furnished any satisfactory explanation as to the circumstances in which the victim sustained burn injuries in the matrimonial home. Accordingly, the presumption under Section 113B of the Evidence Act arises.

B. Charge under Section 302 of IPC :-

The prosecution was required to prove homicidal death beyond reasonable doubt.

The following circumstances create doubt regarding murder:

- (i) Injury report records that the victim herself poured kerosene and set fire.
- (ii) The doctor did not expressly depose in chief that the victim made such statement to him though he admitted recording the history. In the injury report as well as in his evidence nothing is mentioned that the victim was conscious and oriented at the time of such statement. No LTI or signature of the victim in injury report is found.
- (iii) Witnesses who are the local neighbours in the area of matrimonial home of the accused stated that the room was locked from inside and the window had to be broken.
- (iv) No photograph of the crime scene was taken by the I.O. during the investigation.
- (v) No investigation was made regarding whether the door was bolted from inside or outside.
- (vi) Broken window was not seized by the I.O. and no reason was assigned by him.
- (vii) No forensic reconstruction of the room was undertaken.

(viii) The lacerated injury on the toe of the victim noted in the inquest report is a suspicious circumstance. However: the prosecution has not proved its cause; there is no medical opinion connecting it to assault or homicidal violence. Thus, suspicion, however grave, cannot substitute proof.

Accordingly, the prosecution has failed to prove the charge under Section 302 IPC beyond all reasonable doubt against any accused and as a result all the accused are entitled to acquittal under Section 302 of IPC.

C. Charge under Section 498A IPC :

(i) Regarding Husband

The husband was specifically named in the FIR.

Evidence shows:

1. demand of money for construction of roof and to pressurize the victim for that and repeated harassment to her alongwith her father. The nature of demand was no way an innocent domestic request for monetary help and it falls within the category of dowry.

2. assault and mental cruelty;

3. refusal to provide food;

4. repeated harassment leading to salish.

5. The victim resided with him and was under his direct care and supervision. No contradiction of the previous statement of PW-1 to PW-4 with their substantive evidence u/s 145 of Evidence Act by the defence during the cross-examination. The FIR as well as the substantive evidence of PW-1 shows the infliction of torture on demand of Rs. 40,000/- by the husband Rahim Ali upon the victim and the same is corroborated by PW-2 to PW- 4. The evidence inspires confidence. No contradiction regarding salish by the defence. Charge under Section 498A IPC proved beyond reasonable doubt against the husband.

(ii) Father-in-law

The father-in-law was specifically named in the FIR.

The evidence of the defacto complainant attributes active participation to him in demand of money; assault and torture.

The demand related to construction of the family house under his control. He was in a position of authority in the joint family. The evidence regarding salish and continuing dispute lends assurance to the prosecution case. Charge under Section 498A IPC is proved beyond reasonable doubt against the father-in-law.

(iii) Mother-in-law

Proceedings stand filed for ever due to her death during trial.

(iv) Brother-in-law

The brother-in-law was approximately 19-20 years old and a student at the time of incident. No specific overt act is proved against him. The allegations are omnibus. There is no evidence that he controlled family affairs or was in a position

to deny food or enforce dowry demands. Benefit of doubt must go to him. He is found not guilty under Section 498A IPC.

(v) Married Sister-in-law

The sister-in-law was married and residing separately. Her name was not mentioned in the FIR. No specific overt act is attributed to her. Her involvement appears doubtful. She is found not guilty under Section 498A IPC.

D. Charge under Section 304B IPC :

The essential ingredients stand proved:

1. Death of the victim otherwise than under normal circumstances, within seven years of marriage;
2. Dowry-related cruelty soon before death is proved.
3. Hence, the statutory presumption under Section 113B of the Evidence Act arises.
4. The burden shifted upon the accused to rebut the presumption.

(i) Regarding Husband :

The husband merely stated that he was absent and did not know how the incident occurred. Such explanation is not satisfactory considering the death occurred in his house; the victim was under his care; he had special knowledge of the circumstances. But the evidence and his answers during the examination under section 313 of the Cr.P.C shows that he did not disclose his special knowledge as per section 106 of the Evidence Act. So, the said burden under section 106 of Evidence Act remains undischarged. The continuous harassment for dowry is proved against him. The offence under section 498A of IPC is proved against him. The unnatural death of the victim wife within seven years of her marriage in her matrimonial home is also proved being unchallenged. The presumption under section 113B of Indian Evidence Act remains unrebutted. As a result the offence under section 304B of IPC is proved against him.

(ii) Regarding Father-in-law :

The father-in-law was specifically implicated from the inception of this case. Evidence proves participation in

supporting in dowry demand raised by the husband and infliction of torture upon the victim for non-fulfillment of said demand by assaulting, denial of food etc. Being the elder male member and head of the joint family, supporting the demand concerning construction of the family roof and infliction of torture appears logical and probable. The demand was not a simple domestic request for monetary help. It involves the category of dowry. The continuous harassment to the victim and her paternal family for dowry related issue and several salish is proved. He has also failed to rebut the statutory presumption under section 113 B of the Evidence Act when the unnatural death of the victim harassed for dowry demand continuously soon before her death within seven years of her marriage is proved. He also failed to discharge the burden under section 106 of Indian Evidence Act. So, the offence under section 304B of IPC is proved against him.

(iii) Brother-in-law :

Though residing in the same house, there is insufficient evidence of active participation in dowry demand or cruelty. Mere relationship is insufficient to attract Section 304B of IPC. No specific evidence is there that on the relevant point of time he was in the decision making position of their joint family so as to raise demand of money from his 'boudi' and to pressurize her for the construction of the roof in their house when his father and elder brother are there. No specifically evidence is also available in the case record that at that time he started to earn money. As the mother-in-law of the victim was there it is hardly believable that he denied to provide food to the victim. There is absolutely no evidence that at that age this accused was in a position to control the family affairs. Accordingly, in absence of specific reasonable overt act attributed to him, I am of the view that he is entitled to get the benefit of doubt.

(iv) Sister-in-law :

Separate residence and absence of specific evidence of any overt act disentitle the prosecution from invoking Section 304B against her. She is also entitled to get the benefit of doubt.

58. Hence, it is

59. O R D E R E D

60. that the accused persons namely 1. Sk. Karim and 2. Rahana Bibi are found not guilty for the offence punishable under sections 498A/304B/302 of the IPC and accordingly they are acquitted from this case under section 235(1) Cr.PC.

61. Accused persons namely 1. Sk. Rahim Ali and 2. Sk. Rejjak are found guilty for the offence punishable under sections **498A/304B of IPC** and convicted for that offence U/S 235(2) of the Cr.P.C. They are found not guilty for the offence punishable **under section 302 of IPC** on benefit of doubt and accordingly they are acquitted under section 235(1) Cr.PC. from the charge under section 302 of IPC .

62. The defacto complainant would have liberty to prefer appeal against such order and Judgment.

63. The bail bond of the accused namely 1. Sk. Karim and 2. Rahana Bibi will remain in force for the next six (6) months from the date of this order as per law.

64. The convicts 1. Sk. Rahim Ali and 2. Sk. Rejjak are on court bail taken into custody forthwith and remanded to J.C. till the hearing on the question of sentence.

65. Fix 17.06.2026 for physical production of the convicts from the correctional home for sentence hearing.

66. Issue custody warrant accordingly.

67. The superintendent of the concerned Correctional Home is directed to receive and detain the convicts in correctional home, in segregation from the other under trial prisoners as per Jail Code/ Prison Rules, for their reflection of mind, and to produce them to this court on **17.06.2026** positively for sentence hearing.

Dictated & corrected by me

Sd/-

(A. Chaudhuri)
Additional Sessions Judge
Fast Track Court ,Haldia,
Purba Medinipur
16.06.2026

Sd/-

(A. Chaudhuri)
Additional Sessions Judge
Fast Track Court ,Haldia,
Purba Medinipur
16.06.2026

Later,
17.06.2026

68. Both the convicts namely 1. Sk. Rahim Ali and 2. Sk. Rejjak are produced in person from the Correctional Home.

69. The Ld. Advocate for the convicts is present.

70. The Ld. P.P-in-charge is present.

71. The record is taken up for sentence hearing.

72. The convicts and their Ld. Advocate are heard on question of sentence.

73. The Ld. Public Prosecutor has also been heard.

74. The convicts pray for the mercy of the Court on the ground of age, family responsibilities, absence of previous Criminal antecedents and their absence in the house on the date on which the incident of burning took place. They further submit by stating that they are innocent and not guilty. The convict Sk. Rahim Ali submits that he had a daughter studying in Class- IX and to consider the future well being of his daughter. Sk. Rejjak also prays to consider the duration of punishment keeping in view the well being of his granddaughter.

75. The Ld. Defence Counsel for the convicts also prays for leniency considering the future of the child of the accused Rahim Ali who is a student of Class IX.

76. The prosecution, on the other hand, prays to consider the issue relating to the safety and security of woman in domestic life and to pronounce considerable punishment to convey a message towards the society at large.

77. It has already been proved that the victim of this case, a young married woman, aged about 19/20 years, died an unnatural burn death in her matrimonial home within seven (7) years of marriage after being subjected to dowry related cruelty and harassment. This Court has considered the aggravating and mitigating circumstances. The victim lost her life at a young age in her matrimonial home. The dowry death is a serious social menace warranting an appropriate sentence. At the same time both the accused have been acquitted of the charge u/s-302 of IPC for want of cogent evidence and there is no evidence of prior criminal antecedents. Considering the totality of the circumstances,

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this Court is of the view that the following sentence would meet the ends of justice.

78. Hence, it is

79. **ORDERED**

80. that the convict namely 1. Sk. Rahim Ali is sentenced to suffer Rigorous Imprisonment for Three (3) years and to pay a fine of Rs. 10,000/-, in default of payment of fine to suffer simple Imprisonment for four (4) months for the offence punishable u/s-498A of IPC. The convict Sk. Rejjak Ali is sentenced to suffer Rigorous Imprisonment for Two (2) years and to pay a fine of Rs. 10,000/-, in default of payment of fine to suffer simple Imprisonment for Three (3) months for the offence punishable u/s-498A of IPC.

81. Convict Sk. Rahim Ali is sentenced to suffer Rigorous Imprisonment for Ten(10) years for the offence punishable u/s-304B of IPC. The Convict Sk. Rejjak is sentenced to suffer Rigorous Imprisonment for Seven(7) years for the offence punishable u/s-304B of IPC.

82. Seized articles, if any, will be disposed off as per law after expiration of Appeal period.

83. Both the sentence shall run concurrently.

84. **The period of detention already undergone by the convicts during investigation, inquiry and trial shall be set off u/s-428 of Cr.P.C .**

85. The convicts are informed of their right to prefer an Appeal against the judgment of conviction and this order of sentence before the competent Appellate Court.

86. The convicts are also informed that for the purpose of preferring Appeal they are entitled to get legal aid from the S.D.LS.A, Haldia.

87. The defacto complainant also would have right to prefer appeal against the judgement and order passed by this Court.

88. Let a copy of the judgement and the order of sentence be furnished to the convicts forthwith free of cost.

89. Let a copy of the judgement and order as well as the copies of deposition of witnesses and the exhibits be consigned to the S.D.L.S.A, Haldia.

90. Let another copy of this judgement and order be consigned to the District Magistrate, Purba Medinipur for information.

91. The convicts shall remain in custody to serve out the sentence.

92. Issue jail warrant accordingly.

93. Pronounced in open Court.

Dictated & corrected by me.

Sd/-
(A Chaudhuri)
Additional Sessions Judge
Fast Track Court ,Haldia,
Purba Medinipur
17.06.2026

Sd/-
(A Chaudhuri)
Additional Sessions Judge
Fast Track Court ,Haldia,
Purba Medinipur
17.06.2026