

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, 4th COURT,
HOWRAH**



Present: Sri Sandip Karmakar,
Additional Sessions Judge,
4th Court, Howrah.
[J.O. Code – WB00927]

Judgement dated the 30th day of July 2026

S.T. No.379 of 2017
[CIS Registration Sessions Trial No.379 of 2017]
[CNR No.- WBHW01-005039-2017]

**[Liluah P.S. Case No.- 200/16 dated 15-07-2016 under Sections 498A, 306, 34
of the Indian Penal Code]**

Complainant	STATE OF WEST BENGAL
REPRESENTED BY	NAME OF THE ADVOCATE: Advocate Krishnendu Das [Ld. P.P.-in-Charge]
ACCUSED	1. Motiul Laskar @ Motirul Laskar (A1), 2. Habib Laskar (A2), 3. Farid Laskar (A3), 4. Saukat Laskar @ Saikat Laskar (A4), 5. Fojila Begum (A5), 6. Sakor Khatoon (A6) All sons (sl.1 to 4) and daughters (sl.5 to 6) of Late Idrish Laskar of Eksara Piyada Bagan, PS-Liluah, Dist-Howrah.
REPRESENTED BY	NAME OF THE ADVOCATE Advocate Samir Basu Rowchowdhury

FORM A

Date of Offence	09-07-2016
Date of FIR	15-07-2016
Date of Charge-sheet	28-09-2016
Date of Framing of Charge	27-03-2019
Date of commencement of Evidence	17-02-2020
Date on which Judgment is reserved	30-07-2026
Date of the Judgment	30-07-2026
Date of Sentencing Order, if any	N.A.

FORM B

Accused Details

Rank of the Accused	Name of the Accused	Date of Arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C
1.	Motiul Laskar @ Motirul Laskar (A1)	21-07-2016	19-09-2016	Secs. 498A/306/302 /34 I.P.C	Acquitted	N.A.	N.A.
2.	Habib Laskar (A2)	-	-	Secs. 498A/306/302 /34 I.P.C	Acquitted	N.A.	N.A.
3.	Farid Laskar (A3)	-	-	Secs. 498A/306/302 /34 I.P.C	Acquitted	N.A.	N.A.
4.	Saukat Laskar @ Saikat Laskar (A4)	-	-	Secs. 498A/306/302 /34 I.P.C	Acquitted	N.A.	N.A.
5.	Fojila Begum (A5)	-	-	Secs. 498A/306/302 /34 I.P.C	Acquitted	N.A.	N.A.
6.	Sakor Khatoon (A6)	-	-	Secs. 498A/306/302 /34 I.P.C	Acquitted	N.A.	N.A.

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE
PW1	Rashida Begum	De facto complainant
PW2	Sk. Mozdarun	Brother of the victim
PW3	Karima Khatun	Sister of the victim
PW4	Sk. Saidul Islam	Relative of the victim
PW5	Rehana Begum	Independent witness
PW6	Tohura Piyada	Do
PW7	Minara Begum	Do
PW8	Dr. Partha Sarathi Pal	Medical Officer
PW9	SI Prasanta Acharjee	IO of this case

B. Defence Witnesses, if any :-

RANK	NAME	NATURE OF EVIDENCE
Nil	Nil	Nil

C. Court Witnesses, if any :-

RANK	NAME	NATURE OF EVIDENCE
Nil	Nil	Nil

LIST OF PROSECUTION/DEFENCE/COURT/EXHIBITS

A. Prosecution :

Sr. No.	Exhibit Number	Description
1.	Exhibit '1'	Written complaint
2.	Exhibit '1/1'	Signature of PW4 on the written complaint
3.	Exhibit '2'	Signature of PW6 on the carbon copy of seizure list dated 30-07-2016
4.	Exhibit 'P-3/PW8'	Postmortem report dated 16-07-2016
5.	Exhibit 'P-3(1)/PW8'	Signature of PW8 on the postmortem report
6.	Exhibit 'P-4/PW9'	Formal FIR
7.	Exhibit 'P-4(1)/PW9'	Signature of PW9 on the formal FIR
8.	Exhibit 'P-5/PW9' (collectively)	Rough sketch map with index
9.	Exhibit 'P-6/PW9'	Carbon copy of seizure list dated 30-07-2016
10.	Exhibit 'P-6(1)/PW9'	Signature of PW9 on the seizure list dated 30-07-2016
11.	Exhibit 'P-7/PW9'	Inquest report dated 17-07-2016
12.	Exhibit 'P-8/PW9' (two sheets)	Injury report dated 14-07-2016

B. Defence :

Sr. No.	Exhibit Number	Description
1.	Nil	Nil

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
1.	Nil	Nil

D. Material Objects :

Sr. No.	Material Object Number	Description
1.	MO-1/PW9	Stove

J U D G M E N T

Factual Matrix of the case

1. The fact of the case in brief is that Khaleda Begum got married with Motiul Laskar. After marriage Motiul and his family members used to inflict physical and mental torture upon Khaleda. They used to instigate Khaleda to commit suicide. Consequently, Khaleda poured kerosin oil in her body and burnt herself alive. Khaleda had to be admitted into Howrah hospital in critical condition. Khaleda succumbed to her injuries in Kolkata medical College and hospital after enduring severe pain.
2. The complaint has been registered as Liluah PS Case No. 200/2016 dated 15.07.2016 u/sec 498A/306/34 of IPC and investigation of the case was started. After completion of the investigation, charge sheet was filed against six (06) accused persons namely Motiul Laskar, Habib Laskar, Saikat Laskar, Farid Laskar, Fojila Begum and Sakor Khatun for commission of the offence punishable under section u/sec 498A/306/34 of IPC.
3. After the charge sheet having been submitted, cognizance of the offence was taken by the Ld. Chief Judicial Magistrate, Howrah and then the case was committed to the Ld. Session Judge. The Ld. Sessions Judge took cognizance of the offence and transferred the case to this court for disposal as per law.
4. Then this court taking note of the available materials on record and upon hearing both sides, framed charge on 27.03.2019 against six (06) accused persons namely Motiul Laskar, Habib Laskar, Saikat Laskar, Farid Laskar, Fojila Begum and Sakor Khatun for the offence punishable under section 498A/306/34 of IPC and alternatively under section 302/34 of IPC. The accused persons pleaded not guilty and claimed to be tried.

5. The prosecution has cited nine (09) witnesses in support of its case. After completion of examination of prosecution witnesses, accused persons were examined under section 313 of the Code of Criminal Procedure. The accused persons did not adduce any evidence on their behalf. Thereafter, Ld. Special P. P as well as the Ld. Defence Counsel advanced arguments in support of their respective cases. As it appears from the statement of the accused persons recorded under section 313 of the Code of Criminal Procedure and from the trend of cross-examination of the witnesses of the prosecution, the case of the defence is one of denial and innocence of the accused persons and the accused persons have been falsely implicated in this case.

6. **Points for Consideration**

- i) Have the accused persons namely Motiul Laskar, Habib Laskar, Saikat Laskar, Farid Laskar, Fojila Begum and Sakor Khatun committed the offence punishable under section 498A/306/34 of IPC and alternatively section 302/34 of IPC?
- ii) Whether the prosecution has been able to prove the case beyond all shadow of reasonable doubt?

Testimonies of the witnesses of the prosecution

7. PW 1, Rashida Begum, the defacto complainant being the mother of Khaleda Begum deposed that her daughter got married to Motiul Laskar 10 years prior to lodging of the complaint. After marriage Khaleda started residing at her in-law's house. During such stay, her husband and in laws used to inflict mental and physical torture upon her. The used to ask her to die. Once her husband, Motiul Laskar cut her left thumb and thigh. She used to convince Khaleda to stay at her in- laws house. About four years prior to lodging of complaint, after two days of Ed-Ul-Fitar, Halima Begum, the elder sister-in-law of Khaleda informed her that Khaleda sustained slight burn injury at her in-laws house.

When she rushed to the in-laws house of Khaleda she could not find Kheleda there. Then Farid Laskar took her to Howrah Hospital and she saw that Khaleda was sitting with burn injury over her person and she was under treatment. Khaleda was admitted in that hospital for four days and then was referred to Kolkata Medical College and Hospital for better management. Khaleda succumbed to her injuries in Kolkata Medical College and Hospital. She lodged complaint against husband and in laws of Khaleda. *In cross examination, PW 1 admitted that she did not mention in complaint that once Motiul Laskar cut the left thumb and left thigh of Kheleda and she never informed the incidents of torture upon Kheleda to local Panchayat and to local P.S. and she did not lodge any complaint with any police station after learning that the accused persons used to ask Kheleda to die and she lodged complaint after two days of the death of Khaleda.*

8. PW 2, Sk. Mozdarun, brother of Kheleda deposed that Khaleda Begum used to be tortured at her in-law's house and he came to know about such torture from Khaleda at the time when Kheleda used to visit her paternal house. On 09.07.2016 Khaleda caught fire at her in-law's house and Khaleda succumbed to her burn injuries. at Kolkata Medical College and Hospital. *In cross examination PW 2 admitted that he deposed about the incident for the first time before the court.*
9. PW 3, Karima Khatun, sister of Kheleda deposed that while Khaleda was staying at her in-law's house, altercation used to happen in between her and Motiul Laskar. Kheleda was subjected to torture at her in-law's house by her husband and in-laws' members. They asked her to die. Kheleda used to report her about such torture and instigation Sometimes, she tried to effect compromise in between Khaleda and her in-laws' members including her husband. She convinced Khaleda to stay at her in-law's house. On 09.07.2016 one of the in-laws' members of

Khaleda reported mother of Khaleda over phone that Khaleda sustained slight burn injuries over her two hands due to the effect of stove bursting. The mother of Khaleda reported her from Howrah hospital that Khaleda sustained severe burn injuries by fire. Khaleda cried and requested her to look after the children of Khaleda. Khaleda was admitted to Howrah Hospital for four days. After four days Khaleda was referred and shifted to Kolkata Medical College and Hospital for better management. On that date after 11.00 p.m Khaleda succumbed to her burn injuries. *In cross examination she stated that she disclosed the incident to police and submitted written statement to the Liluah police station after two days of death of Khaleda and there were altercations in between Kheleda and Motiul Laskar. Kehleda was subjected to torture by her husband and in-laws' members or that they asked Khaleda to die. She admitted that she mentioned in her written statement to the police that Khaleda used to report her about tortures and instigations to drive Khaleda to commit suicide. She visited in-laws house of Khaleda and effected compromise in between Khaleda and her in-laws' members including her husband and convinced Khaleda to stay at her in-laws' house. She admitted that she did not lodge any complaint with the any police station after learning from Khaleda that she had altercations with her husband Motiul or Khaleda was subjected to torture by her in-laws' members including her husband.*

10. PW 4, Sk. Saidul Islam, brother-in-law of Kheleda deposed that he prepared the complaint as dictated by his mother-in-law Rashida Begum. The marriage of Khaleda took place with Motiul Laskar about 5 years prior to her death. After marriage Kheleda used to stay at her in-law's house. He heard from his mother-in-law that Khaleda was subjected to torture at her in-law's house by her husband. Khaleda was burnt at her in- laws house about

4/5 years prior to his testimony. One day his mother-in-law called him and informed that Khaleda sustained slight injuries due to bursting of stove at her in-laws house. Khaleda was admitted to Howrah Hospital with burn injuries and prior to death, Khaleda requested him to look after her children.

11. PW 5, Rehana Begum deposed that four years prior to his testimony he heard hue and cry coming from the house of the accused Motiul Laskar and on hearing such hue and cry, he went to the house of Motiul and found remnants of burst stove which were scattered inside the house. When she asked Khaleda about the reason Khaleda disclosed that due to stove bursting, she caught fire. Motiul Laksar also caught fire as he proceeded to save Khaleda Begum. The witness was declared as hostile witness.

12.P.W.6 Tahurat Piyada deposed that about 4 years prior to the incident, in the morning, she heard hue and cry from the house of accused Motiul Laskar and on hearing such hue and cry she went to the house of Motiul Laskar and found that Khaleda caught fire and when she asked Motiul about the reason as to why Khaleda caught fire, Motiul disclosed that Khaldea caught fire due to bursting of stove.

13. PW 7 Minara Begum, disclosed that about 4 years prior to the incident in the morning she heard hue and cry from the house of accused Motiul Laskar and on hearing of such hue and cry she went to the house of Motiul Laskar and found that Khaleda caught fired. When she asked Motiul the reason as to why Khaldea caught fired, Motiul disclosed that Khaleda caught fired due to bursting of stove. She found that Motiul was engaged in rescuing Khaleda from fire. Said witness was declared as hostile witness by the prosecution.

14. PW-8 was the doctor, who conducted the post-mortem examination over the dead body of Khaleda. She provided crucial scientific evidence. The post-mortem report (Exhibit P-3/PW8) indicated that the death was due to effects of burn injury which were ante-mortem in nature. The doctor noted that ulcers on the deceased were covered with pus and slough, emitting a foul smell, indicating the injuries were sustained some time before death. In cross examination, the doctor admitted that the information that the deceased tried to commit suicide by pouring kerosene oil was as per police information and not his personal knowledge. He could not give a positive opinion on whether the death was homicidal, suicidal, or accidental. He did not find any other old or recent injuries apart from the burns.
15. PW 9 Prasanta Acharjee being the Investigation officer of the case deposed that on 15.07.2016, after having been entrusted to conduct investigation of the case, he prepared the formal FIR as per the written complaint filed by Rashida Begum, visited the place of occurrence, examined all the available witnesses, recorded their statements under section 161 of Cr.P.C; prepared the rough sketch map with index, arrested the accused Motirul Laskar, made seizures of a stove, collected the inquest report, postmortem report and the injury report and thereafter, upon completion of investigation, he submitted charge-sheet against six accused persons. In cross examination PW 9 admitted that he got no information regarding any demand of dowry and the cause of injury and death was mentioned as 'stove burst' in the injury report and medical report and there was a delay in lodging the FIR and that no explanation for the delay was mentioned in the complaint and in the statement of witness Karima Khatun (PW-3) recorded under Section 161 of Cr.P.C., she did not state anything about visiting the in-laws' house to effect a compromise, or that the accused asked the deceased to die, or that she was informed about the torture over the phone. This admission by the IO

exposes a major contradiction between the testimony of PW-3 in court and her statement before the police.

Decision and findings of the Court

16. It is the cardinal principle of criminal jurisprudence that the burden rests entirely on the prosecution to establish the guilt of the accused without any reasonable doubt. This means the evidence presented must be so complete and convincing that no rational person could question the culpability of the accused person. If, after considering all the evidence, a single reasonable doubt appears to exist, that doubt must be resolved in favour of the accused person. Consequently, the accused person is entitled to be acquitted. So, no person/s is punished unless his/their guilt is proved with cogent and substantial evidence.
17. In the case in hand the accused persons have been arraigned for commission of the offence punishable under section 498A, IPC. The evidence of the family members of the victim clearly reveals that none of these witnesses of the prosecution could divulge about any specification of the alleged cruelty including torture and nature, mode, manner or dates of such cruelty. PW1 deposed that Motiul Laskar once cut the victim deceased's left thumb and left thigh. However, she admitted during cross-examination that she did not mention this specific and severe incident in her initial written complaint. Crucially, the PW9 being the Investigation officer of the case admitted in his cross-examination that during his investigation, he received no intimation or information regarding any demands for dowry or torture related to such demands. He further conceded in cross examination that the witnesses only provided general allegations without mentioning any specific incidents of torture.
18. PW3 claimed that she effected compromises between the victim deceased and the accused and the accused asked the victim to die.

However, the Investigating Officer, PW9, categorically deposed that PW3 never stated these facts to him during her examination under Section 161 of the Code of Criminal Procedure. When the witness states that he failed to mention any crucial part of his testimony before the Investigating Officer at the time of recording of his statement and that part is so vital in the context of the allegation of offence made before the court that a normal person would have definitely mentioned the same to the police, then it is material omission which amounts to contradiction and is generally considered as an improvement or afterthought. So, the accused person would get the benefit of doubt regarding the crucial part of testimony in the context of the allegation of the offence punishable under section 498A, IPC as deposed by PW 3 as mentioned above.

19. The accused persons have been arraigned for commission of offence punishable under section 306 alternatively section 302 of IPC. The prosecution in order to prove the charge under Section 306 needs to establish a direct and proximate link between the act of the accused and the death of the deceased. It must be shown that the accused abetted, instigated, or intentionally aided the deceased in committing suicide. In respect of the offence punishable under section 302, IPC, the prosecution must prove the accused committed the act of causing death with the intention of causing death or with the knowledge that it was likely to cause death.
20. PW8, Dr. Partha Sarathi Pal, who conducted the post-mortem examination over the dead-body of the victim deceased, deposed that death was due to the effects of ante-mortem burn injuries. However, in his cross-examination, PW8 admitted that there was no positive opinion about the cause of death in his report and that the burn injuries could have been caused by an accident, specifically acknowledging that a bursting stove could cause such injuries. PW9, the Investigation Officer admitted that the injury

certificate dated 14.07.2016 (Exhibit P8/PW 9) explicitly mentioned the cause of injury and death as stove burst.

21. The prosecution examined three independent neighbors i.e. PW5, Rehana Begum, PW6, Tohura Piyada, and PW7, Minara Begum. All these three witnesses were declared as hostile witness by the prosecution. The declaration of a witness as "hostile" does not automatically mean their entire testimony is discarded. The law explicitly requires the court to carefully scrutinize the testimony, separate the truth from the falsehood and rely on any portion of the statement that inspires confidence of the court. Now, the PW5 deposed that upon hearing a hue and cry, she went to the house and saw remnants of a burst stove scattered. She testified that the victim herself disclosed that she caught fire due to a stove burst. PW5 and PW7 both testified that the accused husband, Motiul, was actively engaged in rescuing Khaleda and also caught fire in the process of trying to save her.
22. The evidence of family members alleging that the accused "asked her to die" is, on its own, not enough to constitute abetment to suicide under Section 306 of IPC. Mere statements of harassment or asking someone to die do not, by themselves, amount to instigation or abetment unless there is a clear and direct nexus to the act of suicide. In this case, there is no such nexus. The medical evidence suggests the death was accidental. The scrutiny of the evidence on record as discussed above does not point to a homicidal death, and the theory of suicide is not proven. The prosecution has not been able to prove beyond a reasonable doubt that the death was anything other than an accident.
23. In the light of the foregoing discussion and observations, the court has no hesitation to hold that the prosecution has failed to establish its case against the accused persons beyond a reasonable doubt. There are inconsistencies in the testimonies of the family members of the victim deceased and is contradicted by

independent witnesses and the medical evidence. The origin of the incident, as per the independent witnesses, was an accidental stove burst. The allegations of cruelty are unclear and unspecified. Furthermore, the absence of any evidence of dowry demand appears to be fatal to the allegation of offence punishable under Section 498A, IPC. So, in view of the above discussion there is no impediment for the court to hold that the prosecution has miserably failed to prove the ingredients of the charges levelled against the accused persons beyond all reasonable doubt.

24.Hence, it is

ORDERED

that the accused persons namely Motiul Laskar @ Motirul Laskar, 2. Habib Laskar, 3. Farid Laskar, 4. Saukat Laskar @ Saikat Laskar, 5. Fojila Begum, 6. Sakor Khatoon are not found guilty of the offence punishable under sections 498A/306/34 of IPC and alternatively section 302/34 of IPC and they are acquitted of the offence under section 235(1) of the Code of Criminal Procedure.

All six accused persons are on bail. The bail bond of the accused persons shall remain in force till next 6 months period from the date of passing of this Judgment as per section 437A of Code of Criminal Procedure.

The ‘alamat’ in this case, if any, be confiscated to the State in accordance with law after the expiry of period of appeal only in case of no appeal being filed.

Note in the Trial Registrar and update the C.I.S.

Let a copy of this Judgment each be sent to the Ld. District Magistrate, Howrah and to the Secretary D.L.S.A, Howrah.

Dictated and corrected by me;

Additional Sessions Judge
4th Court, Howrah

(Sandip Karmakar)
Additional Sessions Judge,
4th Court, Howrah
[J.O. Code – WB00927]