

**FORM -:- A**

<b>IN THE COURT OF ADDITIONAL DISTRICT &amp; SESSIONS JUDGE, FAST TRACK COURT- I, RAIGANJ, UTTAR DINAJPUR</b>
-:- PRESENT -:- Sri Surajit Mandal (JO Code No. WB-993) ADDITIONAL DISTRICT & SESSIONS JUDGE, FAST TRACK COURT- I, RAIGANJ, UTTAR DINAJPUR
SESSIONS CASE NO.20 of 2023
S.T. NO.83/2023 CIS No.20 of 2023
CNR NO.WBUD01003166-2022
Case Under Section-306/34 OF THE INDIAN PENAL CODE.
<b>Delivery date of Judgment: 10th day of March, 2026</b>
Details of the FIR/ Police Station – The instant case is in connection with Raiganj Police Station Case No.763 of 2021 dated.08.09.2021

COMPLAINANT	-:-	STATE OF WEST BENGAL
PRESENTED BY	-:-	Mr. Swarup Biswas, Learned P.P.in-charge.
Name of accused person	-:- -:-	1. Mahabir Das, 2. Bani Das, 3. Lalit Das,4.Raju Debsharma, 5.Sunati Das, 6. Bharati Debsharma and 7. Chanchal Das
Represented by	-:-	Ld. Advocate, Mr. Sanjib Nag

**FORM -:- B**

Date of Offence	-:-	03.09.2021
Date of FIR	-:-	03.09.2021
Date of Charge-Sheet	-:-	18.04.2022
Date of Framing of Charge	-:-	19.12.2023
Date of commencement of evidence	-:-	30.04.2024
Date on which judgment is reserved	-:-	NIL
Date of the judgment	-:-	10.03.2026

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Date of the sentencing order, if any	-:-	Not applicable
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**-:- ACCUSED DETAILS -:-**

Rank of the accused	Name of Accused	Date of Arrest	Date of release on Bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during Trial for purpose of Section 428 CrPC.
01.	Mahabir Das	Anticipatory bail allowed	31.03.2022	U/s.306/34 of the Indian Penal Code	Acquitted	N/A	N/A
02.	Bani Das	Anticipatory bail allowed	31.03.2022	U/s.306/34 of the Indian Penal Code	Acquitted	N/A	N/A
03.	Lalit Ch. Das	Anticipatory bail allowed	31.03.2022	U/s.306/34 of the Indian Penal Code	Acquitted	N/A	N/A
04.	Raju Debsharma	Anticipatory bail allowed	31.03.2022	U/s.306/34 of the Indian Penal Code	Acquitted	N/A	N/A
05.	Sunati Das @ Suniti Das	Anticipatory bail allowed	26.11.2021	U/s.306/34 of the Indian Penal Code	Acquitted	N/A	N/A
06.	Bharati Debsharma	Anticipatory bail allowed	26.11.2021	U/s.306/34 of the Indian Penal Code	Acquitted	N/A	N/A
07.	Chanchal Das	Anticipatory bail allowed	31.03.2022	U/s.306/34 of the Indian Penal Code	Acquitted	N/A	N/A

**FORM -:- C**

**-:- LIST OF PROSECUTION/DEFENCE/COURT WITNESSES -:-**

**A. PROSECUTION :-**

Rank	Name	Nature of evidence (eye witness, police witness, expert
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		witness, medical witness, panch witness, other witness)
01.	Banesh Debsharma	Defacto complainant
02.	Harish Ch.Debsharma	Local witness
03.	Biswanath Debsharma	Local witness
04.	Bharati Debsharma	Local witness
05.	Bhupen Debsharma	Local witness
06.	Bishnu Debsharma	Local witness
07.	Nabin Debsharma	Local witness
08.	Nabin Debsharma	Local witness
09.	Nirupam Fauzder	Official witness

**B. DEFENCE WITNESSES, IF ANY :-**

Rank	Name	Nature of evidence (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
Nil	Nil	Nil

**C. COURT WITNESSES, IF ANY :-**

Rank	Name	Nature of evidence (eye witness, police witness, expert witness, medical witness, panch witness, other witness)
Nil	Nil	Nil

**--: LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS --:****(A). PROSECUTION :-**

Sl. No.	Exhibit Number	Description
01.	Exhibit-P-1	Signature of PW2 over the S/L dt. 8.9.21
02.	Exhibit-P-1/1	Signature of PW3 over the S/L dt. 8.9.21

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03.	Exhibit-P-2	Signature of PW3 over the S/L dt. 15.10.21 ( 17.15 hrs)
04.	Exhibit-P-3	Signature of PW8 over the S/L dt. 15.10.21 ( 16.35 hrs)
05.	Exhibit-P-4/1	Signature of PW6 over the inquest report ( Carbon copy)
06.	Exhibit-P-3/1	Signature of PW7 over the S/L dt.15.10.25
07.	Exhibit-P-3/2, P-3/3, P-3/4	Three photographers
08.	Exhibit-P-3/5	Signature of PW7 on the zimmanama
09.	Exhibit-P-2	Signature of PW8 on the carbon copy of S/L dt. 15.10.21
10.	Exhibit-P-2/2, P-2/3 & P-2/4	Three photographs
11.	Exhibit-P-2/5	Signature of PW8 on the zimmanama
12.	Exhibit-P-5	Formal FIR
13.	Exhibit-P-6	Entire Formal FIR
14.	Exhibit-P-7	PM report
15.	Exhibit-P-8	Deadbody challan

**(B). DEFENCE :-**

Sl. No.	Exhibit Number	Description
1.	Nil	Nil

**(C). COURT EXHIBITS :-**

Sl. No.	Exhibit Number	Description
Nil	Nil	Nil

**(D). MATERIAL OBJECTS :-**

Sl. No.	Material Object Number	Description
1.		

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## **JUDGMENT**

**1. Facts of the case :-** Prosecution case in short is that on 08.09.2021, a written complaint was lodged by one Banesh Debsharma at Raiganj P.S against the accused persons. It was alleged that these accused persons had abetted the commission of suicide of his son Mithun Debsharma.

**1.1** Based on the written complaint, police registered a formal F.I.R and started a specific case being Raiganj Police Station Case No.763 of 2021 dated.08.09.2021 in respect of offences punishable u/s.306/34 of the Indian Penal Code.

**1.2** After a through investigation, charge-sheet was filed against all the seven FIR named accused persons in respect of offences punishable u/s.306/34 of the Indian Penal Code.

**1.3** On the basis of such charge-sheet, cognizance was taken by Ld.C.J.M, Uttar Dinajpur.

**1.4** Ld.C.J.M, Uttar Dinajpur committed the case record to the Court of Ld. Sessions Judge,Uttar Dinajpur. Ld. Sessions Judge, Uttar Dinajpur was pleased to transfer the case to this Court for trial.

**1.5** All the seven accused persons who were on court bail appeared in this court. Vide order no.01, dtd. 19.12.2023, a formal charge u/s.306/34 of the Indian Penal Code was framed against the charge-sheeted accused persons.

**1.6** After examining listed witnesses and after closure of the evidence, the accused persons were examined u/s 313 of the Code of Criminal Procedure on 12.02.2026. Argument of both sides were heard.

### **2. Points for determination**

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As all the seven accused persons have been charged for offences punishable u/s.306/34 of the Indian Penal Code, so the prosecution is required to prove the following points.

1. That the accused persons abetted commission of suicide of the victim.

### **3. Decision with reasons**

**3.1** It is to be mentioned that in a Criminal trial burden lies upon the prosecution to prove every charge levelled against every accused beyond all reasonable doubts. If any doubt arises which remains unexplained then benefit of doubt goes in favour of the accused and the accused is entitled to get benefit of doubt. Considering this view of Criminal jurisprudence, let us see how far prosecution has been able to prove the charges levelled against the accused person. In order to do so, we need to discuss the evidence in details. Let us start with what the prosecution witnesses said during their examination in chief.

#### **3.1 The examination-in-chief:-**

**3.1A.** P.W.1/Banesh Debsharma is the defacto complainant of this case. He said that the victim Mithun Debsharma was his son. His son had died by committing suicide in the house. On the date of incident, he was outside the house having tea in a place called Hatkhola in his village. On returning home, he saw that 15 to 20 people had already assembled in front of his house. At that time, he came to know that his son Mithun had committed suicide. The witness then said that he does not know any reason as to why his son committed suicide. But after this incident, he had lodged a complaint against the accused persons who are his co-villagers. He said that he had put his LTI over the written complaint and he cannot say what is written in it.

During cross-examination, the witness stated that he had put

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his LTI on the said document as he was asked to do so.

**3.1B** P.W.2/Harish Ch. Debsharma said that he knows the defacto complainant/Banesh Debsharma and also the victim Mithun Debsharma. He knows that Mithun had committed suicide by hanging himself in the house. But he does not know why Mithun committed suicide. He then said that in connection with the incident, when police had visited their village, he had put his signature over a document but he does not know the contents of the document. At this stage, the witness was shown seizure list dt. 08.09.21 where he identified his signature. The signature of this witness over the seizure list was then marked as ext-P-1.

This witness was declared hostile by the prosecution.

During cross-examination from the side of the defence, the witness stated that he had only signed a document. But apart from that, he does have any further knowledge about the matter.

**3.1C.** P.W.3/Biswanath Debsharma is a local witness. He said that he knows the complainant Banesh Debsharma as a co-villager. He also knows that the son of Banesh namely Mithun Debsharma had committed suicide by hanging himself in the house. He had visited the house of Banesh and he had seen that the victim is hanging. The witness then says that he does not know why Mithun committed suicide. After this incident, police had visited their village and at that time, he had put his signatures on some documents. He said that he cannot recollect where he had signed those documents. At this stage, some seizure lists dt. 08.09.21 and 15.10.21 were shown to the witness. He identified his signatures on the seizure lists and those signatures were marked as exhibits. He further stated that he knows all the accused persons of this case who are his co-villagers.

This witness was also declared hostile by the prosecution.

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During cross-examination, he said that apart from putting his signature over the documents, he does not have knowledge about any other fact.

**3.1D** P.W.4/Bharati Debsharma is a local witness. She also said that the victim Mithun who was the son of Banesh had committed suicide in the house. She knows the family of the victim and also the accused persons of this case as they all are her co-villagers. The witness then said that she had heard about a love affair between the deceased Mithun and one Bani who is the daughter of Mahabir Das. The witness then stated that she does not know as to why Mithun committed suicide.

This witness was also declared hostile by the prosecution.

The cross-examination of this witness was declined.

**3.1E** P.W.5/Bhupen Debsharma also said that he knows the defacto complainant, the victim Mithun and also the accused persons. All these people live in his locality. Mithun had committed suicide by hanging himself inside the house. He stated that he does not know anything else and the police had not examined him in connection with this case.

This witness was also declared hostile by the prosecution.

The cross-examination of this witness was declined.

**3.1F** P.W.6/ Bishnu Debsharma is also a local witness. He also narrated the same incident by saying that Mithun had died by committing suicide. At the time of the incident, he was working in the field. Later, the inquest over the deadbody of Mithun was conducted in his presence and he had signed the inquest report as a witness. The witness, on being shown identified his signature over the inquest report and that was marked as ext- P-4/1.

This witness was also declared hostile by the prosecution.

The cross-examination of this witness was declined.

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**3.1G** P.W.7/ Nabin Debsharma, s/o. Kumod Debsharma is also a local witness. He also narrated the same incident by saying that Mithun had died by committing suicide. The witness then stated that in the course of investigation, police had collected some photographs which were found in his mobile phone. He had obtained those photographs from the facebook as those were uploaded. He had obtained the screen shots of those photographs. Police had asked him to obtain the printouts. Accordingly he had printed some photos from a shop and he had handed over such photographs to the police. Police had seized those photographs and he had signed the seizure list as a witness. Police had also seized his mobile phone. But later on, his mobile phone was returned. The witness proved his signature over the seizure list dt. 15.10.21 and that was marked as ext-P-3/1. He identified the photographs which were submitted by him to the IO, when those photographs were shown to him. At that stage, the three photographs were marked as ext- P-3/2, P-3/3 and P-3/4 respectively. He said that he had got back his mobile phone on executing zimma bond. He had signed that document. He identified his signature over the zimma bond and the entire zimma bond was marked as ext – P-3/5. He said that he knows the accused persons of this case.

The cross-examination of this witness was declined.

**3.1H** P.W.8/ Nabin Debsharma, s/o. Khetri Debsharma is also a local witness. He also narrated the same incident by saying that Mithun had died by committing suicide. The witness then stated that in the course of investigation, police had collected some photographs which were found in his mobile phone. He had obtained those photographs from the Facebook as those were uploaded. In the profile of Mithun Debsharma. He had obtained the screenshots of those photographs. Police had asked him to obtain

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the printouts. Accordingly he had printed some photographs from the shop of one Khakon Das and he had handed over such photographs to the police. Police had seized those photographs and he had signed the seizure list as a witness. Police had also seized his mobile phone. But later on, his mobile phone was returned. The witness proved his signature over the seizure list dt. 15.10.21 and that was marked as ext-P-2/1. He identified the photographs which were submitted by him to the IO, when those photographs were shown to him. He said that he had got back his mobile phone on executing zimma bond. He had signed that document. He identified his signature over the zimma bond and the entire zimma bond was marked as ext – P-2/5. He said that he knows the accused persons of this case.

The cross-examination of this witness was declined.

**3.1I** P.W.9/SI Nirupam Fouzder is the recording officer of this case. He proved the formal FIR and that was marked as ext-P-5. He proved the original written complaint and that was marked as ext- P-6.

During cross-examination , the witness stated that he does not have personal knowledge about the incident.

No other witnesses was examined from the side of the prosecution.

**3.2** The entire evidence that was adduced from the side of the prosecution has been discussed elaborately. Now we need to scrutinized this oral and documentary evidence which was on record in order to find out whether the prosecution has succeeded in proving all or either of the charges framed against the accused facing trial. In order to do this, it would be better to discuss the material evidence, if any, that came up during cross-examination of the prosecution witnesses.

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**3.3.** The entire evidence as appearing in the Examination in chief and the cross examination of the witnesses have been discussed in details. The evidence is required to be scrutinized further in order to establish whether the evidence is enough to hold the accused guilty in respect of the charges framed against them.

**3.4. The appreciation of evidence:-**

In this case, the defacto complainant was examined as PW1. He is the father of the victim. PW.2, PW.3, PW.4,PW.5, PW.6, PW.7 and PW.8 are local witnesses. PW.9 is the recording officer.

PW.2 to PW.8 have turned hostile. None of these witnesses have stated anything about the incident. From their evidence, it can be found that they all are local residents. They all know the victim very well. They have all said that the victim had committed suicide. But none of these witnesses stated any reason as to why the victim committed suicide.

The defacto complainant examined as PW1, who is the father of the victim has also not narrated anything about the incident. The FIR was not marked as exhibit. The defacto complainant has said that he does not know the contents of the FIR. He is an illiterate person. He acknowledged the FIR. He said that he is illiterate and he had put his LTI to the FIR but he is not aware of its contents.

Therefore, it seems that there is no corroboration in the form of oral evidence, in respect of the FIR.

**3.6.The charge:-**

A) The charge that has been framed against the accused persons is in respect of offence punishable u/sec. 306 of the Indian Penal Code. Section-306 of Indian Penal Code deals with the of-

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fence of “ abetment of suicide”. It says that if any person commits suicide, whoever abets the commission of such suicide shall be liable to be punished.

For reaching to the conclusion of the instant case, it appears beneficial to have a brief look on the provisions contained under Sec. 306 of the Indian Penal Code, which reads thus:

Abetment of suicide: if any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and also be liable to fine.

As section 306 of the Indian Penal Code makes abetment of commission of suicide punishable, therefore, for making a person liable for an offence punishable under section 306 of the Indian Penal Code, it is the duty of the prosecution to establish that such person has abetted the commission of suicide and for the purpose of determining the act of the accused, it is necessary to see that his act must fall in any of the three ingredients as enumerated under section 107 of the of the Indian Penal Code, and therefore, it is necessary to prove that the said accused has instigated the person to commit suicide or must have engaged with one or more persons in any conspiracy for seeking that the deceased commits suicide or he must intentionally aid by any act or illegal omission, of the commission of suicide by the deceased.

**3.7.** There is allegation in the FIR that the victim had committed suicide as a result of abetment by the accused persons. Many such incidents of alleged abetment has been narrated in the FIR. But it has already been discussed that there is no oral evidence to support the contents of the FIR. Therefore, at this stage it would be proper to come to a finding that there is no ingredient in respect of the charge framed u/s.306 of the Indian

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Penal Code against any of the accused persons.

Accordingly, all the accused persons are entitled to get an order of acquittal.

Hence, it is,

**ORDERED**

That all the seven accused persons namely 1. Mahabir Das, 2. Bani Das, 3.Lalit Das,4.Raju Debsharma, 5.Sunati Das, 6. Bharati Debsharma and 7.Chanchal Das are found not guilty in respect of the charges framed against him for the offences punishable u/s.306/34 of the Indian Penal Code and they are accordingly acquitted in accordance with the provision of Section 235(1) of the Code of Criminal Procedure.

The accused persons are also released from their respective bail bond/bonds.

The surety/sureties stands discharged.

Let a copy of this Judgment be sent to the District Magistrate, Uttar Dianjpur and to the Secretary, DLSA, Uttar Dianjpur for the purpose of intimating the victim/complainant about his right of appeal.

Dictated & Corrected by me

Addl. Sessions Judge.  
F.T.C.-I, Uttar Dianjpur.

Surajit Mandal  
Addl. Sessions Judge,  
F.T.C.-I, Uttar Dianjpur.

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