

21.07.2026
Item no. 142.
Court No.8.
AB

CRA 127 of 2021

In the matter of : Gurupada Mahato @ Guru

.....Appellant.

Mr. Moinak Bakshifor the Appellant.

Mr. Kallol Mondal, Id. PP

Ms. Sagnika Banerjeefor the State.

Dictated by Arijit Banerjee, J.

1. The appellant is the sole convict. He has been convicted under Section 302 of the Indian Penal Code and sentenced to suffer life imprisonment.
2. Learned Counsel appearing for the appellant has submitted, in his usual fairness, that the appellant does not dispute that he was present at the place of occurrence on the fateful day. He also does not dispute that the appellant had stabbed the victim. Indeed there are two eyewitnesses being the sister and mother of the victim who was a cousin brother of the appellant. However, the appellant did not have the intention to murder the victim. This would be evident from the fact that when the appellant went and knocked on the door of the house of the victim, the door was opened by the victim. The appellant went in with the victim. The door was again locked from inside. Thereafter the incident happened. There was obviously a scuffle. Had the appellant visited the victim's house with the

premeditated intention of killing him, the appellant would have done so as soon as the victim opened the door. That he did not do so, indicates that mens rea was missing on the part of the appellant. Hence, at the highest, a charge under Section 304 IPC would lie against him.

3. Learned State Advocate seeks a little time to get better prepared.
4. List this matter once again on 23.07.2026 as the first hearing item.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)