



**IN THE HIGH COURT AT CALCUTTA
CRIMINAL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble **Justice Prasenjit Biswas**

C.R.A. 114 of 1990

Purna Chandra Raul & Anr.

-Versus-

The State of West Bengal

For the Appellants : **Mr. Angshuman Chakraborty**
Chakraborty,

**Mr. Niladri Saha,
Mr. Subhojit Seth**

For the State : **Mr. Avishek Sinha,
Mr. Tirupati Mukherjee.**

Hearing concluded on : **20.02.2026**

Judgment On : **05.03.2026**

Prasenjit Biswas, J:-

- 1.** This appeal is directed against the impugned judgment and order dated 08.03.1990 passed by the learned Additional Sessions Judge, Midnapore in connection with Sessions Trial No. XXII of September, 1998, arising out of G.R. Case No. 1166/1987.



2. By passing the impugned judgment, this appellant was found guilty for commission of offence punishable under Sections 498A and 306 of the Indian Penal Code and was sentenced to suffer rigorous imprisonment for seven years and to pay fine of Rs. 2000/- and in default of payment of fine to undergo further rigorous imprisonment for two years.
3. Being aggrieved by and dissatisfied with the said impugned judgment and order of conviction the present appeal has been filed at the instance of the appellant.
4. The case of the prosecution, in brief, can be delineated as follows:

"The instant proceedings originated from a written complaint lodged by the de-facto complainant, who is the brother of the deceased victim. In his complaint, the de-facto complainant stated that his sister was married to appellant no.1, Purna Chandra Raul, on 5th Jaistha, 1393 (B.S.). Following the marriage, the victim commenced her conjugal life in the house of the appellants. At the time of marriage, it is alleged that a sum of Rs. 3,000/-, along with ornaments and other



articles, was provided to the appellants as dowry. According to the complaint, after a short period of married life, the appellants began to exert pressure on the victim to procure additional money from her parental home. The victim, allegedly unable to meet their demands, purportedly became the subject of systematic ill-treatment and physical torture. It is stated that the victim repeatedly disclosed these incidents to the de facto complainant, her parents (PW2 and PW3), and the wife of the de-facto complainant (PW4) whenever she visited her parental home. She reportedly conveyed that, unless the demands of the appellants were satisfied, she would continue to face physical and mental harassment and, ultimately, would be left with no alternative but to take her own life. Tragically, it is alleged that the victim committed suicide on 31.07.1987, being unable to endure the persistent torture inflicted by the appellants. Upon hearing that his sister had been admitted to the hospital,



the de-facto complainant proceeded to the Hospital, only to find that the victim had expired. Following this, he reported the matter to the local police station; however, no immediate action was taken by the police. Faced with inaction, the de-facto complainant filed a written complaint before the learned Judicial Magistrate, Midnapore. The learned Magistrate, upon receipt of the petition, forwarded it to the Officer-in-Charge of Sabang Police Station, treating the complaint as an FIR and directing the initiation of a formal investigation. Pursuant to this direction, Sabang Police Station registered the matter as Case No. 3 dated 17.08.1987 against the appellants and other accused persons. Following the investigation, the prosecuting agency submitted the charge-sheet against the appellants on 28.05.1988, thereby formally initiating proceedings against them under the relevant provisions of law. This summary outlines the prosecution's narrative, which forms the foundation of the charges of cruelty,



dowry harassment, and abetment of suicide leveled against the appellants in the present case.”

- 5.** The charge was framed by the Trial Court against the appellants under Sections 498A and 306 of the Indian Penal Code and the same was read over and explained to them in which they pleaded not guilty and claimed to be tried.
- 6.** During this appeal the appellant no.2 Smt. Sarala Rani Raul died and the present appeal stood abated against her.
- 7.** In this case, the prosecution has examined eight(8) witnesses and documents were marked as exhibits on its behalf, while the defence has examined none.
- 8.** Mr. Angshuman Chakraborty, learned Advocate appearing for the appellants, submitted that the impugned judgment and order of conviction passed by the learned Trial Court is not sustainable for multiple reasons, primarily arising from omissions, contradictions, and deficiencies in the prosecution evidence.
- 9.** The learned Advocate contended that the depositions of PW1 (the brother of the deceased), PW2 (mother), PW3 (father), and PW4 (wife of PW1) could not be relied upon as they are all close relations of the deceased, and



therefore their evidence is inherently susceptible to bias. He submitted that there is no direct evidence on record to establish that the deceased was subjected to cruelty, systematic ill-treatment, or physical torture by the appellants. Despite this, the learned Trial Court erroneously concluded that the appellants treated the victim with cruelty and rendered her life miserable on account of non-payment of sufficient dowry.

- 10.** Mr. Chakraborty further argued that there could have been mental derangement on the part of the victim, particularly in view of her pregnancy, which might have led her to take the extreme step of suicide. The learned Trial Court, according to the Advocate, failed to appreciate this significant aspect of the case, thereby arriving at a flawed conclusion regarding the cause of death.
- 11.** The learned Advocate also highlighted procedural lapses in the investigation. He pointed out that the Investigating Officer (PW8) had clearly stated in his deposition that PW1, PW2, PW3, PW4, and PW5 did not make any statement before him that the appellants had ever tortured the victim or pressured her to bring additional dowry. This omission, according to Mr. Chakraborty, severely undermines the credibility of the evidence led by



the prosecution in Court and creates serious doubts regarding the reliability of the allegations made for the first time during trial.

- 12.** Another point of contention raised was the delay in lodging the complaint. The complaint was filed before the learned Judicial Magistrate, Midnapore, on 05.08.1989, six days after the alleged incident. The learned Advocate submitted that the prosecution failed to provide a satisfactory explanation for this delay, which casts further doubt on the authenticity and spontaneity of the complaint.
- 13.** In conclusion, Mr. Chakraborty contended that the evidence brought on record by the prosecution is neither sufficient nor reliable to sustain a conviction under Sections 306 and 498A of the Indian Penal Code. He submitted that, in view of the material omissions, contradictions, lack of direct evidence of cruelty, procedural lapses, and the possible alternative explanation relating to the mental condition of the deceased, the prosecution has manifestly failed to prove the charges against the appellants beyond reasonable doubt.
- 14.** On these grounds, the learned Advocate urged that the impugned judgment and order of conviction passed by the



learned Trial Court be set aside and the present appeal be allowed

- 15.** Mr. Avishek Sinha, learned Advocate appearing for the State, submitted that there is no material on record warranting interference with the findings recorded by the learned Trial Court in the impugned judgment and order of conviction. He contended that, according to the evidence led by the prosecution, the victim was subjected to physical and mental cruelty at the hands of the appellants after her marriage, in connection with the demand for additional dowry.
- 16.** The learned Advocate drew attention to the consistent depositions of PW1 (brother of the victim), PW2 (mother of the victim), PW3 (father of the victim), and PW4 (wife of PW1), who all stated that the victim had repeatedly reported to them about the torture inflicted by the appellants on the pretext of demanding more dowry. These witnesses, as per the submission of Mr. Sinha, consistently described the mental and physical suffering endured by the deceased and conveyed that she had informed them about the harassment at various points in time.



- 17.** Further, reliance was placed on the testimony of PW5, a neighbor of PW1, who stated that the victim frequently visited his house and had informed him that her marital relationship with appellant no.1 was not cordial. According to PW5, the victim disclosed that she was subjected to systematic ill-treatment and torture by appellant no.1 and appellant no.2 (now deceased) because she could not meet their financial demands.
- 18.** According to Mr. Sinha, when the depositions of PW1, PW2, PW3, and PW4 are read in conjunction with the evidence of PW5, a consistent pattern emerges indicating that the victim was subjected to physical and mental harassment by the appellants, which, in turn, led to her committing suicide by hanging.
- 19.** The learned Advocate also emphasized the medical evidence to support the prosecution's case. PW6, the autopsy surgeon, deposed that he observed a ligature mark approximately three-quarters of an inch broad, obliquely encircling the neck with a gap on the left side, along with parchmentation upon dissection. In his opinion, the cause of death was ante-mortem hanging, which was likely suicidal. Although the post-mortem report was not brought on record or marked as an exhibit, Mr. Sinha



submitted that the oral deposition of PW6 cannot be discarded merely on that account.

- 20.** Attention was further drawn to PW7, the attending doctor at Sabang Primary Health Centre, who deposed that on 31.07.1987 the deceased's body was brought to the hospital, where he declared her dead. PW7 also expressed the opinion that the death appeared unnatural and accordingly referred the matter to the Sabang Police Station.
- 21.** Mr. Sinha submitted that the prosecution, through the cumulative evidence of PW1 to PW5 and the medical witnesses PW6 and PW7 had successfully proved the charges framed against the appellants. He contended that although these witnesses were subjected to cross-examination, their veracity was not materially shaken, and their evidence remained consistent and credible.
- 22.** On this basis, it was submitted that there was no illegality or material irregularity in the findings recorded by the learned Trial Court in the impugned judgment and order of conviction. Consequently, Mr. Sinha urged that the judgment of conviction be upheld and the present appeal challenging the same be dismissed.



- 23.** I have anxiously considered the rival submissions advanced by both the parties and have gone through all the materials on record.
- 24.** PW1, Milon Kumar Giri, who is the brother of the deceased and the de-facto complainant in the present case, deposed that his sister was married to appellant no.1 and that, at the time of marriage, cash money, ornaments and other articles were given as dowry in accordance with the demand allegedly made by appellant no.1 and his mother (appellant no.2). He further stated that, subsequent to the marriage, appellant no.1 along with appellant no.2 began to ill-treat his sister. According to this witness, the deceased had disclosed to him that appellant no.1 used to demand further sums of money from her for the purpose of starting a business, and that such demand was also conveyed to PW2 and PW3, the parents of the deceased. It was his version that due to financial constraints, they were unable to satisfy the said demand.
- 25.** However, when the evidence of PW1 is carefully scrutinized, certain aspects emerge which cast serious doubt on its reliability. Although PW1 claimed that his sister had informed him about the alleged torture and continued demands for dowry, it is indeed surprising that



he did not take any immediate or effective steps to address the alleged cruelty. No complaint was lodged before the local police station, nor was any approach made to any village authority or other competent forum prior to the unfortunate death of the victim. Such inaction on the part of a brother, who claims to have been aware of persistent torture and unlawful demands, appears unnatural and inconsistent with normal human conduct.

26. PW1 further deposed that he came to know about the incident from one Gostha Raul, who informed him that his sister had been admitted to Sabang Hospital. Upon receiving this information, PW1 went to the hospital at night and learned that his sister had already expired and that the police had taken the body for post-mortem examination. Even at this crucial juncture after personally witnessing the death of his sister under allegedly suspicious circumstances PW1 did not immediately lodge any complaint. Instead, he admitted in his evidence that he did not return home that night but stayed in a shop, and although he visited the police station the following morning, he did not submit any written complaint.

27. This conduct is wholly inconsistent with the expected reaction of a brother who genuinely believed that his sister



had been subjected to cruelty and dowry-related harassment leading to her death. A natural and spontaneous reaction would have been to immediately approach the police authorities with a written complaint detailing the alleged acts of torture and dowry demand. The absence of such prompt action raises a serious doubt regarding the veracity of his version.

28. Significantly, the formal complaint was ultimately lodged not before the police but before the Court of the Chief Judicial Magistrate, Midnapore, on 05.08.1987, whereas the incident had occurred on 31.07.1987. Thus, there is an apparent delay of five days in setting the criminal law in motion. Though PW1 attempted to explain that he had visited the concerned police station on two consecutive days after the incident and that no action was taken by the police, compelling him to file a complaint before the learned Court, his evidence does not satisfactorily clarify why he waited until 05.08.1987 to do so. If indeed the police failed to act immediately upon his approach, nothing prevented him from promptly seeking judicial intervention without undue delay.

29. The explanation offered is vague and lacks specific details as to the dates, the officers approached, or the exact



nature of the alleged inaction by the police. In the absence of any cogent or convincing explanation for the delay, such procrastination assumes significance, particularly in a case involving serious allegations of dowry-related cruelty and death.

- 30.** Therefore, considering the unexplained delay in lodging the complaint, the unnatural conduct of PW1 in not taking timely steps either prior to or immediately after the death of the victim, and the lack of clarity in his explanation regarding police inaction, the testimony of PW1 becomes doubtful and does not inspire confidence. His evidence, when assessed in its entirety, appears to suffer from material infirmities which substantially affect its credibility.
- 31.** PW1 stated in his examination-in-chief that the victim had, on 2-3 occasions, informed him about the alleged ill-treatment, assault, torture and demand for additional money by appellant no.1. He further deposed that the last such complaint was made approximately five to six months prior to her death. Thus, by his own showing, the alleged acts of cruelty were neither sudden nor isolated, but were recurring in nature and known to him well in advance of the unfortunate incident. However, what is striking is the complete inaction on his part despite such knowledge. If



indeed the deceased had repeatedly complained of assault and unlawful demands for money, and if those demands had created such distress that she allegedly expressed an apprehension of committing suicide in case the money was not paid, it would be reasonable to expect that her brother would take immediate and effective steps to protect her. Yet, PW1 admittedly did not lodge any complaint before the local police station or any other appropriate authority at any point of time prior to her death.

- 32.** In cross-examination, PW1 candidly admitted that neither he nor his family members informed the police station about the alleged torture or the demand for additional money by appellant no.1. He further admitted that they did not inform the police that the victim had expressed a threat of committing suicide if the demanded money was not paid. These admissions are significant. An allegation that a married woman had conveyed her intention to commit suicide due to dowry-related harassment is an extremely serious matter. The natural and expected conduct of a responsible family member would have been to immediately approach the authorities or at least attempt some form of intervention. The absence of any



such action casts a serious doubt on whether such statements were in fact ever made by the deceased.

33. PW1 also stated that he had informed one Niranjana Raul, who had allegedly arranged the marriage between the victim and appellant no.1, about the torture inflicted upon his sister. However, this Niranjana Raul was not cited or examined as a prosecution witness. In the absence of such independent corroboration, the version of PW1 remains unsubstantiated. When a material witness, who could have thrown light on the veracity of the allegations, is withheld without explanation, an adverse inference may reasonably arise against the prosecution case. Furthermore, PW1 admitted in cross-examination that even after coming to know about the death of his sister, he did not inform the police or the hospital authorities in writing regarding the alleged torture or dowry demands. This conduct, viewed in the totality of circumstances, appears inconsistent with the conduct of a person who genuinely believed that his sister had been driven to death by persistent cruelty and unlawful demands.

34. The cumulative effect of these omissions and admissions is that the testimony of PW1 does not inspire confidence. His failure to take any contemporaneous action despite alleged



repeated disclosures by the victim, the absence of corroboration from an independent witness like Niranjan Raul, and his admitted silence before the authorities even after the death of the victim, creates a substantial dent in the prosecution case.

- 35.** PW2, Parul Bala Giri, the mother of the deceased, deposed that after her daughter's marriage, the victim visited her parental home and narrated the incidents of torture allegedly inflicted upon her by appellant no.1 and his mother (appellant no.2). According to PW2, she came to learn from her daughter about the ill-treatment, harassment and demand for additional money. She further stated in her evidence that she had reported the entire episode to the police as narrated to her by the victim. However, when her testimony is examined in light of the evidence of PW8, the Investigating Officer, material contradictions surface which significantly impair the credibility of her version. PW8 categorically stated in his deposition that PW2 did not tell him during investigation that appellant no.1 and appellant no.2 used to torture her daughter. He further stated that PW2 did not disclose before him that she had heard from her daughter about such torture or harassment. Additionally, PW8 deposed



that PW2 did not state before him that after marriage appellant no.1 had lost his job and, due to financial distress, used to exert pressure upon the victim to bring more money from her parental home.

- 36.** These omissions are not minor discrepancies but go to the root of the prosecution case. Allegations of torture and dowry demand form the very foundation of the charge. If PW2 had truly informed the Investigating Officer about these serious allegations during the course of investigation, it is reasonable to expect that the same would have been reflected in her statement recorded under law. The failure of PW2 to state these vital facts before the Investigating Officer renders her testimony before the Court an apparent improvement and embellishment, thereby affecting its reliability.
- 37.** PW2 further stated that PW3, the father of the victim, used to visit the matrimonial home of the deceased. However, she could not say whether PW3 informed the police about the alleged torture inflicted upon their daughter. This uncertainty further weakens the prosecution case, as it suggests that no concrete or consistent steps were taken by the family members despite their alleged knowledge of continuous harassment.



- 38.** It is also significant that, by her own admission, PW2 did not take any immediate or effective step after being informed by her daughter about the alleged torture and demand for money. Being the mother of a married daughter, it would be natural and expected for her to react with concern and urgency upon learning that her daughter was being subjected to cruelty and unlawful demands. Ordinarily, such information would prompt a mother to intervene personally, convene a meeting between the families, or approach the police or other appropriate authorities. In the present case, however, no such step was taken. No complaint was lodged, nor was the matter formally brought to the notice of any authority prior to the unfortunate death of the victim.
- 39.** The silence and inaction on the part of PW2, despite allegedly having knowledge of persistent torture, appear inconsistent with normal human conduct. When this aspect is considered alongside the material omissions in her earlier statement as pointed out by PW8, her testimony becomes doubtful.
- 40.** In view of these contradictions, improvements, and unexplained inaction, the evidence of PW2 does not inspire confidence. Her deposition, lacking corroboration and



suffering from material infirmities, cannot be safely relied upon to substantiate the charge framed against the appellants.

- 41.** PW3, Gayaram Giri, the father of the victim, deposed substantially on the same lines as PW2. He stated that his daughter had informed him about the alleged assault and torture inflicted upon her by appellant no.1 and his mother (appellant no.2). According to him, the deceased complained that appellant no.1 frequently pressurized her to bring money from her parental home due to financial hardship in the matrimonial family. He further stated that, responding to such demand, he paid a sum of Rs. 600/- to appellant no.1 for purchasing a bicycle so that he could start some business.
- 42.** While these assertions appear to support the prosecution case on the surface, a deeper scrutiny of his evidence reveals serious infirmities that cast doubt upon its reliability. Firstly, although PW3 alleged persistent physical torture and repeated monetary demands, no contemporaneous complaint was lodged by him before any police station or other competent authority during the lifetime of his daughter. Such silence is significant. If a father genuinely believed that his daughter was being



subjected to sustain physical cruelty and unlawful demands for money, it would be natural for him to take prompt steps, either by reporting the matter to the police, approaching local elders, or initiating some form of intervention. However, no such action was taken. In cross-examination, PW3 admitted that he did not remember whether he had reported the incidents narrated by his daughter to the police. He further stated that he had not reported to anybody about the alleged torture and ill-treatment inflicted upon his daughter prior to her death. These admissions are material. They demonstrate not only a lack of contemporaneous action but also uncertainty as to whether any grievance was ever formally raised at all.

43. The inaction of PW3, coupled with the similar inaction of his wife (PW2), during the lifetime of the victim, substantially weakens the prosecution's version. The conduct attributed to them is inconsistent with that of concerned parents who were allegedly aware of sustained physical and mental cruelty inflicted upon their daughter for dowry.

44. Moreover, the testimony of PW3 suffers from further contradictions when viewed in light of the evidence of PW8, the Investigating Officer. PW8 categorically deposed



that PW3 did not state before him that he had heard from the victim about any assault or torture by the appellants. He also did not state before PW8 that appellant no.1 used to pressurize his daughter to bring money from him in order to start a business. Furthermore, PW3 did not inform the Investigating Officer that the relationship between his daughter and appellant no.1 was not cordial.

45. These omissions are of a serious nature. The allegations of pressure to bring money, strained marital relations, and repeated torture form the core of the prosecution case. If such facts were truly known to PW3 and were communicated to him by the victim, it is expected that he would have disclosed the same during investigation. The failure to do so indicates that these statements were introduced for the first time during his deposition before the Trial Court. Such material improvements and embellishments at the stage of trial seriously affect the credibility of a witness. When crucial facts are absent in the statement made during investigation but are later introduced in Court, they assume the character of afterthoughts and cannot be accepted without caution.

46. PW4, Swarnalata Giri, the wife of PW1, deposed largely along the same lines as PW1, PW2, and PW3. She stated



that the deceased had been subjected to alleged torture at the hands of appellant no.1 and his mother (appellant no.2). According to her, when she asked the victim, the deceased disclosed that the appellants were exerting pressure on her to provide more dowries, and that very often she refused to return to her matrimonial home because of the ill-treatment. PW4 further asserted that the victim had endured persistent harassment and torture in connection with the demand for additional dowry.

- 47.** However, as with the other family members, a critical aspect of her testimony undermines its reliability. PW4 did not lodge any complaint with the police or bring the alleged cruelty to the attention of any appropriate authority during the lifetime of the victim. Despite being aware of the purported torture and the serious nature of the dowry demands, she failed to take any immediate steps to intervene or protect the victim. Such inaction is inconsistent with ordinary human conduct and raises serious questions regarding the veracity of her claims. Further scrutiny of her testimony in the context of the evidence of PW8, the Investigating Officer, reveals material contradictions. PW8 deposed that PW4 did not state before him that appellant no.1 or his mother had



tortured the victim to demand additional dowry. She also did not inform PW8 that the appellants had physically assaulted the victim, nor did she claim that, despite payment of Rs. 600/- by PW3 to appellant no.1, the alleged torture had continued unabated.

48. This discrepancy is significant. The omissions indicate that the allegations regarding torture on account of dowry demands were not part of the contemporaneous statement made to the police during investigation. The version of PW4 presented in Court thus represents an embellishment or improvement introduced for the first time at trial. Such material alterations reduce the credibility of the witness, as they are inconsistent with the statements recorded during the investigation. Taken together with the fact that PW4, like PW1, PW2, and PW3, did not take any contemporaneous action during the lifetime of the deceased, her testimony cannot be viewed as spontaneous or reliable. The failure to report the alleged harassment, coupled with the first-time disclosure of critical details regarding torture and dowry pressure in Court, casts serious doubt on the authenticity of her evidence.

49. In conclusion, while PW4 claims to have knowledge of the alleged torture upon the victim, the material omissions in



her earlier statement and the lack of any contemporaneous action render her testimony inherently doubtful. Her deposition, therefore, cannot be safely relied upon to substantiate the charge of cruelty and dowry harassment against the appellants.

50. PW5, Prafulla Maity, cited as a neighbor of PW1, deposed in the present case that he came to know from the victim that her marital relationship with appellant no.1 was not cordial. According to his testimony, the victim disclosed to him that she was subjected to systematic ill-treatment and torture at the hands of appellant no.1 and his mother (appellant no.2, now deceased) because she was unable to meet their demands for money or dowry. PW5's evidence, at first glance, appears to corroborate the claims made by PW1, PW2, PW3, and PW4 regarding harassment and cruelty inflicted upon the deceased.

51. However, on a closer examination, several serious deficiencies emerge in the testimony of PW5 that undermine its reliability. Despite allegedly being informed directly by the victim about the torture and harassment, PW5, like the other witnesses who were close relations of the deceased, did not take any contemporaneous action. He did not lodge any complaint with the police, nor did he



bring the matter to the attention of any appropriate authority at the time the alleged incidents occurred. Such inaction, given the seriousness of the allegations, is inconsistent with the conduct expected of a person who claims to have been aware of persistent cruelty and harassment.

- 52.** Further, during cross-examination and in the course of investigation, material contradictions in PW5's evidence were revealed. It was admitted by him that he had not stated before the Investigating Officer (PW8) that there existed a strained relationship between the victim and appellant no.1. PW8 corroborated that PW5 did not state before him that the victim had informed him about systematic ill-treatment, torture, or harassment by the appellants for non-payment of dowry.
- 53.** These omissions are crucial. They indicate that the material allegations concerning ill-treatment, torture, and dowry demand were introduced for the first time during his deposition in the Trial Court. In other words, these claims were not part of his statement made during investigation, which substantially diminishes their credibility. In criminal proceedings, especially in cases of serious charges like cruelty and dowry harassment, such improvements or



embellishments at the stage of trial are significant indicators that the testimony may not reflect true and contemporaneous knowledge.

- 54.** In conclusion, while PW5 claims to have received information from the victim about alleged torture and dowry-related harassment, the failure to take any contemporaneous steps, coupled with the absence of these crucial facts in his prior statement to the Investigating Officer, renders his evidence inherently doubtful. His deposition cannot be relied upon as independent corroboration of the prosecution's case, and it does little to strengthen the charges leveled against the appellants.
- 55.** PW6, Dr. Kingshuk Basu, the Autopsy Surgeon who conducted the post-mortem examination over the dead body of the victim, deposed that he found a ligature mark placed obliquely around the neck with a gap on the left side. He further stated that the uterus contained a foetus of approximately 24 weeks' gestational age. According to his opinion, the cause of death was ante-mortem hanging, likely suicidal in nature. While this medical evidence appears significant, a crucial procedural lapse undermines its evidentiary value. It is indeed surprising that the post-mortem report itself was neither brought on record nor



exhibited during trial. No explanation has been offered by the prosecution for its failure to formally prove and mark the post-mortem report as an exhibit.

- 56.** The post-mortem report constitutes a primary documentary piece of evidence reflecting the detailed findings of the autopsy, including the nature, position, measurement and characteristics of injuries, internal examination, and the final medical opinion as to the cause of death. In the absence of such a document being exhibited, the Court is deprived of the opportunity to scrutinize the complete medical findings in their entirety. Oral testimony of the doctor, though relevant, is ordinarily corroborative of the written report prepared contemporaneously at the time of examination. When a document forms the foundation of an expert's opinion, it must be duly proved and exhibited in accordance with law. Without the formal exhibition of the post-mortem report, the Court cannot rely solely upon oral assertions made in examination-in-chief, particularly in a case involving serious criminal charges. The non-production of such a vital document creates a gap in the chain of evidence and raises doubt regarding the completeness and transparency of the prosecution's case.



- 57.** Furthermore, the opinion expressed by PW6 that the death was due to ante-mortem hanging and was likely suicidal assumes great significance in the context of the charges. However, in the absence of the exhibited report, the defence is prejudiced in effectively testing the basis of such opinion, including whether the ligature mark and other findings conclusively ruled out alternative possibilities. The Court, too, is constrained from independently assessing whether the medical findings are consistent with the prosecution narrative.
- 58.** In criminal jurisprudence, particularly where the cause of death is central to the determination of guilt, strict adherence to rules of proof is essential. The failure to exhibit the post-mortem report, without any justification, amounts to a serious lapse on the part of the prosecution. Such omission cannot be treated as a mere technical defect; rather, it goes to the root of the matter.
- 59.** Therefore, in the absence of the post-mortem report being duly proved and exhibited, the oral testimony of PW6 regarding the cause of death cannot, by itself, be safely and conclusively relied upon. This deficiency creates a significant lacuna in the prosecution case and renders the medical evidence insufficient to independently establish



the cause and nature of the victim's death beyond reasonable doubt.

- 60.** PW7, Dr. Krishna Das, the attending doctor at Sabang Primary Health Centre, deposed that on 31.07.1987, the dead body of the victim was brought to the hospital where he was posted, and upon examination, he declared the victim to be dead. He further stated that, in his opinion, the death appeared to be unnatural, and accordingly, he referred the matter to the Sabang Police Station. At first glance, this testimony appears to corroborate the fact that the death was brought to official notice; however, a detailed examination of PW7's evidence exposes significant gaps and deficiencies that diminish its evidentiary value.
- 61.** Firstly, PW7 does not specify who brought the deceased to the hospital. There is no indication whether it was a family member, a neighbor, or any other person. The absence of such information raises questions about the chain of custody of the deceased prior to arrival at the hospital, and whether any relevant events or circumstances prior to hospitalization could have been properly recorded. In cases involving alleged unnatural death, identification of the person bringing the body is critical to establish the



initial facts and to ensure that the authorities were immediately notified.

- 62.** Secondly, there is no documentary evidence presented to show the admission of the deceased at Sabang Primary Health Centre. Hospital records, registration entries, or any contemporaneous notes regarding the admission or examination of the deceased are conspicuously absent. In the absence of such documentation, the oral evidence of the attending doctor stands uncorroborated, which weakens the probative value of the testimony of the witness.
- 63.** Thirdly, while PW7 stated that the death appeared unnatural, he has not explained the basis for such opinion. There is no description in his evidence of any examination findings, observations, or medical indicators that led him to conclude that the death was not natural. In forensic and medico-legal practice, an opinion regarding the unnatural nature of death must ordinarily be supported by visible injuries, external signs, or circumstances observed upon examination. Without any elaboration, the assertion of “unnatural death” remains conclusory and unsubstantiated.



- 64.** Given these gaps, absence of information on who brought the body, non-production of hospital records, and lack of explanation regarding the basis of the opinion, the testimony of PW7 cannot be considered sufficient to establish either the circumstances surrounding the death or the nature of the death itself. His evidence, in isolation, is inadequate to corroborate the prosecution's narrative about the alleged role of the appellants in causing the death.
- 65.** The allegations levelled by the prosecution, particularly through PW1 (the de-facto complainant), the parents of the victim, namely PW2 and PW3, as well as PW4 (wife of PW1), regarding the demand for additional dowry and the purported cruelty inflicted upon the victim, are wholly bald, vague, and unsubstantiated. On careful scrutiny of the written complaint as well as the evidence on record, it becomes apparent that the allegations are conspicuously devoid of material particulars. The complaint itself fails to disclose crucial details such as the specific dates, times, locations, or the precise manner in which the alleged demands for dowry were made. Similarly, the complaint does not clearly describe the nature, extent, or form of the alleged physical and mental cruelty. Such omissions strike



at the very foundation of the prosecution's case. To establish an offence under Section 498A of the Indian Penal Code, it is imperative that there is cogent, consistent, and reliable evidence showing that the conduct of the accused amounted to harassment or cruelty of a grave nature.

- 66.** In the present case, the prosecution has failed to provide any specific instances of cruelty in the evidence brought on record. There is no elaboration regarding the precise acts of torture, the frequency with which such acts occurred, or the manner in which the alleged conduct affected the physical or mental well-being of the victim. The evidence, whether oral or documentary, remains general, omnibus, and entirely lacking in particulars. It is essentially a collection of broad and cryptic allegations without corroboration or detail.
- 67.** Bald and vague allegations of this nature cannot, and should not, form the basis for a finding of guilt. Courts are required to scrutinize such claims with utmost caution, particularly when the accusations are general in nature and implicate multiple members of a family without delineating their individual roles and responsibilities. In criminal law, the standard of proof is beyond reasonable



doubt, and general or un-particularized statements cannot meet that standard.

- 68.** Moreover, in the present case, there is absolutely no evidence on record to demonstrate that the conduct of the appellants, if at all such acts occurred, was of a sufficiently grave or willful nature as to drive the victim to commit suicide. The prosecution has not adduced any evidence establishing a direct causal link between the alleged harassment and the unfortunate death of the victim.
- 69.** In conclusion, the allegations made by the prosecution witnesses being vague, general, and devoid of particulars do not inspire confidence. The absence of specific details, corroborative evidence, or contemporaneous documentation renders the entire prosecution case regarding dowry demand and cruelty inherently weak and unreliable. Such evidence, without clear particulars and substantiation, cannot serve as a basis for convicting the appellants under Section 498A of the Indian Penal Code.
- 70.** To sustain a conviction for the offence of abetment of suicide under Section 306 of the Indian Penal Code, the prosecution is required to establish beyond reasonable doubt the essential ingredients contemplated under Section 107 of the Code. Legally, abetment necessarily



involves one of three forms: instigation, conspiracy, or intentional aid rendered to the commission of the act. It is settled law that not every act of discord, harassment, or difference of opinion in a domestic or matrimonial context would attract the rigours of Section 306 IPC.

- 71.** Abetment of suicide is intrinsically linked to the mental process of instigating, encouraging, or intentionally aiding a person to commit self-destruction. Mere allegations of harassment, strained relations, or ordinary domestic discord do not by themselves constitute abetment unless such conduct is of such severity and intensity that it leaves the victim with no reasonable alternative but to commit suicide. In other words, a proximate and direct causal connection between the acts of the accused and the suicide is indispensable. Remote, indirect, or generalized conduct, unaccompanied by a clear causal link, falls short of the statutory threshold.
- 72.** A critical requirement under Section 306 IPC is the existence of mens rea. The prosecution must demonstrate that the accused possessed a guilty mind with the intention to provoke, incite, or encourage the victim to commit suicide. The mental element cannot be presumed merely because a suicide occurred in the backdrop of



alleged harassment or domestic disputes. Rather, the evidence must clearly show that the accused acted with conscious design or deliberate intention to bring about the act of self-destruction. The requisite mens rea must be apparent, conspicuous, and supported by credible evidence; it cannot be inferred solely from strained relations or general allegations of cruelty.

73. In the present case, a careful review of the record reveals that there is no evidence of any positive, proximate, or direct act on the part of the appellants that can reasonably be said to have compelled or driven the deceased to commit suicide. There is nothing on record to indicate that the appellants consciously or deliberately intended to instigate or facilitate the act of suicide. The conduct alleged, even if accepted at its highest, amounts to general discord and alleged harassment, which, in the absence of specific and demonstrable instigation, is insufficient to attract liability under Section 306 IPC.

74. As previously noted under Section 107 IPC, the state of mind of the accused to facilitate or instigate the commission of a particular crime must be visible and demonstrable. There must be cogent and credible material indicating that the accused acted with a conscious and



deliberate design to bring about the suicide. In the present case, such evidence is entirely absent. The prosecution has failed to establish the mental element required for abetment, and the alleged acts are too remote, vague, and generalized to form the basis of a finding of guilt.

- 75.** Further, to invoke liability under Section 306 of I.P.C., the prosecution must first prove the factum of suicide beyond reasonable doubt. In this case, the post-mortem report of the victim was not brought on record. Even if the oral testimony of PW6, the autopsy surgeon, is taken into consideration, it only suggests that the death was "likely suicidal," which is by no means sufficiently determinative to establish the occurrence of suicide beyond reasonable doubt. Without unequivocal proof of suicide, any claim of abetment necessarily fails.
- 76.** For the foregoing reasons, the charges framed against the appellants under Sections 498A and 306 of the Indian Penal Code cannot be sustained. The prosecution has failed to establish the existence of cruelty or dowry-related harassment under Section 498A, or the proximate, intentional, and mens rea laden acts required for abetment of suicide under Section 306. In the absence of credible,



specific, and corroborated evidence, the charges cannot be brought home.

- 77.** In view of the above facts and circumstances and discussions made above the conviction under Section 306 and 498A of the Indian Penal Code is not tenable in the eye of law and as such, the impugned judgment and order of conviction passed by the learned Trial Court is liable to be set aside.
- 78.** Accordingly, the instant appeal be and same is hereby **allowed.**
- 79.** The impugned judgment and order of conviction passed by the learned Trial Court dated 8.03.1990 passed by the learned Additional Sessions Judge, Midnapore in connection with Sessions Trial Case No. XXII of September, 1988 arising out of G.R. Case No. 1166/87 is hereby set aside.
- 80.** The appellant no.1 is on bail. He is to be discharged from his respective bail bond and be set at liberty if he is not wanted in connection with other case.
- 81.** In accordance with the mandate of Section 437A of the Code of Criminal Procedure (Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023), it is incumbent upon the appellant to furnish bail bonds, accompanied by suitable



sureties. Such bonds, once executed, shall remain in full force and effect for a period of six months, ensuring the presence of the appellant as required by law and securing the due administration of justice.

- 82.** Let a copy of this judgment along with the Trial Court record be sent down to the Trial Court immediately.
- 83.** Urgent Photostat certified copy of this order, if applied for, be given to the parties on payment of requisite fees.

(Prasenjit Biswas, J.)

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