



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.51 of 2025

Nirod Kumar Mohanty & another .. Petitioners

Mr. P.R. Chhatoi, Advocate

-Versus-

State of Odisha

.. Opposite party

Mr. S.K. Swain, AGA

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

04.07.2025

Order No.

04.

1. Heard Mr. Chhatoi, learned counsel for the petitioners and Mr. Swain, learned AGA for the State.

2. Instant revision petition is filed by the petitioners assailing the impugned order dated 24th January, 2025 passed in connection with S.T. Case No.28/269 of 2024 by learned Assistant Sessions Judge, Pipili, whereby, an application under Section 227 Cr.P.C. moved by them seeking discharge vis-a-vis alleged offence was declined and rejected on the grounds inter alia that such a decision is not legally tenable and hence, liable to be interfered with in the interest of justice.

3. Mr. Chhatoi, learned counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 happens to be the mother-in-law of the deceased, who died by a suicidal hanging. The submission Mr. Chhatoi, learned counsel is that a



case under Section 498-A, 304-B, 302 and 201 read with 34 IPC was registered in the year 2014, but it has finally led to filing of the chargesheet under Sections 498-A and 304(B) read with Section 34 IPC besides Section 4 of the D.P. Act. The further submission is that the chargesheet is filed only against the petitioners and no others against whom similar allegations were made and while claiming so, he refers to FIR dated 8th April, 2014, a copy of which is at Annexure-1. The contention is that there has been no ill-treatment meted out to the deceased or for that matter, she was ever subjected to but considering the omnibus allegations made against all, the chargesheet is filed. Such is the submission of Mr. Chhatoi, learned counsel for the petitioners referring to the chargesheet i.e. Annexure-2 and also the statements of witnesses recorded under Section 161 Cr.P.C., copies of which are at Annexure-4 series. It is claimed that petitioner No.2, namely, mother-in-law of the deceased is sick and hence, she could not have committed the mischief against the deceased, who being dissatisfied with her marital life committed suicide and therefore, the filing of the chargesheet under the alleged offences against her and the other petitioner is unjustified and furthermore, the rejection of the application under Section 227 Cr.P.C.

4. Mr. Swain, learned AGA for the State justifies the impugned order dated 24th January, 2025 as at Annexure-6 with the submission that there is prima facie material on record especially with the filing of the chargesheet dated 25th March, 2015 i.e. Annexure-2 and hence, the petitioners shall have to



face the trial. In other words, according to Mr. Swain, learned AGA for the State, learned Court below did not commit any error or illegality in declining discharge of the petitioners while considering the application filed under Section 227 Cr.P.C. by them. It is contended that the statements of the witnesses recorded during investigation under Section 161 Cr.P.C. do reveal the involvement of the petitioners, as a result of which, the deceased committed suicide. It is further contended that on account of torture, the deceased received in the hands of the petitioners and in view of death having been taken place within seven years of marriage, the same since established with the filing of chargesheet i.e. Annexure-2, the impugned order dated 24th January, 2025 at Annexure-6 is perfectly justified and hence, not to be disturbed.

5. Perused the FIR i.e. Annexure-1. In fact, Pipili P.S. Case No.129 dated 8th April, 2014 was registered under the alleged offences including Section 302 and 201 IPC. However, upon closure of investigation, the chargesheet under Sections 498-A and 304(B) read with Section 34 IPC besides Section 4 of D.P. Act was filed against the petitioners only. The medical documents as at Annexure-3 series relate to the deceased and it has been referred to by Mr. Chhatoi, learned counsel for the petitioners to claim that she was under treatment for being issueless. In so far as the statements of the witnesses and copies thereof as at Annexure-4 series are concerned, it is further claimed that the death of the deceased is not on account of any such torture, rather, it was for the reason that she was happy with



her marriage and for the fact being not able to give birth to a child, referring to which, Mr. Chhatoi, learned counsel for the petitioner would submit that the allegation of the demand not being fulfilled and hence, she was tortured is a falsehood. The further claim is that petitioner No.2 was granted anticipatory bail vide Annexure-5 and it was on the premise that the allegations to be general in nature.

6. The question is, whether, a case for trial is made out against the petitioners in filing the chargesheet i.e. Annexure-2? According to Mr. Chhatoi, learned counsel for the petitioners, if at all any such allegation is to be believed, it is not directed against petitioner No.2, namely, mother-in-law of the deceased. The contention is that the allegations against the in-laws are omnibus in nature and therefore, the chargesheet i.e. Annexure-2 against petitioner No.2 could not have been filed. The statements of the witnesses recorded under Section 161 Cr.P.C. are of the outsiders and not the family members of the deceased as referred to by Mr. Chhatoi, learned counsel for the petitioners and the same admittedly suggest that the deceased was not pulling on well with petitioner No.1 and she was unhappy for being issueless and, hence, committed suicide. But, to counter the same, Mr. Swain, learned AGA for the State refers to the statements of the informant father and others recorded under Section 161 Cr.P.C. during and in course of investigation to claim that there is allegation against petitioner No.2 as well besides petitioner No.1 and therefore, rightly, at the end, upon



closure of the investigation both of them have been chargesheeted as per Annexure-2.

7. On a reading of the FIR i.e. Annexure-1, the allegation is no doubt found to be omnibus and it is against all the in-laws including petitioner No.2. The allegations are to the effect that the petitioners and other in-laws, since the demand of a Gold chain was not fulfilled, ill-treated the deceased. The chargesheet i.e. Annexure-2 is apparently filed on the premise that there is allegation against the petitioners and the death of the deceased is on account of such ill-treatment. It is made to suggest from Annexure-2 that there is nexus between the death of the deceased and the conduct of the petitioners in particular. Even though there have been allegations against the father-in-law, as made to reveal from Annexure-1, the chargesheet is filed against the husband and mother-in-law only. It is not revealed from the chargesheet i.e. Annexure-2 as to the reason why petitioner No.2 has been singled out. Nevertheless, the contention from the side of the State is that the allegations as per Annexure-1 and filing of the chargesheet i.e. Annexure-2 prima facie established a case of torture and unnatural death of the deceased. On a closure reading of the statements of the other witnesses including the informant father recorded during investigation, this Court finds that there has been allegation against other in-laws but principally, it is directed against petitioner No.1, namely, husband of the deceased. As per the statement of the informant father under Section 161 Cr.P.C. it is also made to reveal that sometime before the death of the deceased i.e. on 18th February, 2014, she



had returned back from her in-laws house with petitioner No.1. Such statement also reveals that on being confronted, petitioner No.1 admitted about the alleged ill-treatment of the deceased and promised not to commit the same in future.

8. On a sincere reading of the statements of the witnesses, this Court finds that the deceased was ill-treated and petitioner No.1 is primary responsible and it was on account of non-fulfillment of demand of Gold chain, as was earlier stated by her family. It may be said that the allegations are more or less aimed at and directed against petitioner No.1 and not others including petitioner No.2. As it is made to understand, on complete reading of the entire evidence with reference to the Case Diary produced in Court by Mr. Swain, learned AGA, it was petitioner No.1 to be entirely answerable for the unfortunate death of the deceased wife. It is also made to understand that petitioner No.1 was jobless by then and he was not having good terms with the deceased wife. From Annexure-3 series, it is also made to reveal that the deceased was under treatment being issueless. The Court further finds that immediately after the death of the deceased, the fact of such death was informed to the informant father none other than by petitioner No.2. Of course, other allegations have been made regarding ill-treatment to the informant father and others after the death of the deceased but chargesheet is filed only for offences under Sections 498-A and 304(B) IPC.

9. Having considered the evidence with reference to Annexure-1 and chargesheet i.e. Annexure-2 and also the



statements of material witnesses recorded under Section 161 Cr.P.C., the Court reaches at a conclusion that the allegations are general and the cause of death of the deceased is on account of any such ill-treatment was due to the conduct of petitioner No.1 and no one else. In other words, the Court is of the humble view that the learned Court below, while considering the application under Section 227 Cr.P.C. could not have declined discharge vis-à-vis petitioner No.2 and therefore, the impugned order dated 24th January, 2025 at Annexure-6 is liable to be interfered with and modified.

10. Accordingly, it is ordered.

11. In the result, the revision petition stands allowed in part. As a necessary corollary, the impugned order dated 24th January, 2025 at Annexure-6 passed in connection with S.T. Case No.28/269 of 2024 by learned Assistant Sessions Judge, Pipili on the application under Section 227 Cr.P.C. is modified to the extent as aforesaid thereby discharging petitioner No.2 and not petitioner No.1. In the circumstances, however, there is no order as to costs.

12. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge