
DHANANJOY CHATTERJEE – THE MOST CONTROVERSIAL DEATH PENALTY

Poulami Dasgupta, Institute of Law, Nirma University

INTRODUCTION

Dhananjay Chatterjee was the first person to be judicially executed in India. He was executed in the Alipore Jail for rape and murder. This case has been one of the most controversial cases. Later several anomalies were found in the procedure of investigation. Even before his death also he didn't accept the charges that were framed against him. He was the only person who called himself to be innocent even before being hanged.

BACKGROUND OF THE CASE

Dhananjay Chatterjee was a security guard of a residential complex where an eighteen year old girl Hetal Parekh was found dead. Hetal Parekh was raped and murdered on 5th March 1990 in her flat no. 3-A on the third floor of the Anand Apartment.¹ The security guard of the complex that is Dhananjay Chatterjee was accused of this barbarous crime. On 2.3.1990, Hetal complained to her mother Yashmoti Parekh that Dhananjay teased her on her way to and back from school and had proposed to her on that day to accompany him to the cinema hall to watch a movie. Previously also she had made similar complaints to her mother.² When Hetal's father came to know about this he requested Shyam Karmakar to replace Dhananjay. Following this complaint Dhananjay was transferred to another apartment which was the Paras Apartment which would come into effect on 5 March 1990.

HAPPENINGS ON THE DAY OF THE MURDER

On the morning of 5 March 1990, Nagardas Parekh and his son Bhawesh Parekh, father and brother of the deceased respectively left for their place of business and college. The mother of the Yashmoti used to visit the temple every day between 5 pm to 5.30 pm. It was at this time

¹ 'Dhananjay Chatterjee Alias Dhana vs State of W.B. ON 11 January, 1994' (*IndianKanoon.org*, 11 January 1994) <<https://indiankanoon.org/doc/1328822/>> accessed 2 April 2023

² *Ibid*

when the deceased was all alone in her flat. The appellant, Dhananjay Chatterjee was about to take charge as a security guard of the Paras Apartment from this day but he didn't obey and continued to work in the Anand Apartment during this time. Shortly after Yashmoti, the mother of the deceased left for the temple, the appellant met Dasarth Murmu, another security guard in the same complex, and told him that he was going to flat no. 3-A for contacting his office over the telephone. After some time the supervisor of the Security and Investigating Bureau visited Anand Apartment and enquired about Bijoy Thapa who was about to perform the duty in place of Dhananjay from that day. But he was told by Dasarth that Bijoy Thapa did not come to this building and the duty was performed by Dhananjay. Then the supervisor asked the security guard to call out the appellant and when his name was called he looked out from the balcony of the victim's flat and told that he was coming down. When the supervisor asked the appellant about the reason for his disobedience he told that due to some personal difficulty, he couldn't obey the transfer order.

In the evening when the mother of the deceased returned back, the lift operator told her that Dhananjay went to their apartment to make a telephone call to his office. When she reached her flat she knocked on the door several times but no one opened it. Later the door was broken and the body of the deceased was found lying on the floor. She was declared dead by the doctors and it was said that she was allegedly raped and murdered.

DECISIONS GIVEN BY THE TRIAL COURT AND THE HIGH COURT

Here in this case there was no direct witness so the circumstantial evidence was taken into account. From the primary fact findings, the appellant was found to be guilty and was given capital punishment by the Trial Court. The sentence was also agreed upon by the High Court

DECISION GIVEN BY THE SUPREME COURT

The Supreme Court gave the death penalty to the appellant as in the eyes of law it was a heinous crime. The decision given by the court was based on the following facts:

1. The appellant said that he was not there during the murder and was in his own village. But it was found that the alibi which was mentioned by him was a post-alibi, i.e., an alibi for a time

after the occurrence of the incident³

2. Another very important fact was that some days before only the deceased had complained about the appellant teasing her and due to this incident he was transferred to another apartment so there was a presence of a strong motive.

3. There was sufficient evidence to prove the presence of the appellant in the victim's flat. The security guard and the liftman were the witnesses.

4. A yellow button was recovered from the murder scene. The witnesses said that the appellant was also wearing the same color shirt on that day. The same outfit was recovered from the appellant at the time of the arrest.

5. A wristwatch that was stolen from the victim's house was found in the possession of the appellant.

Following all the pieces of evidence the decision of the Supreme Court was carried on and after serving 14 years of imprisonment Dhananjay Chatterjee was finally hanged in 2004.

ANOMALIES NOTICED IN THE CASE

After some time a re-analysis was made in this case. At this time after going through all the facts and forensic reports it was found that there was a huge lack of evidence for proving the offense of rape. The autopsy report given by the doctor only stated that she had been subjected to sexual activity before her death which was proved by the presence of fresh tears in the hymen and semen samples from pubic hair. Most of the injuries were in the face and neck areas. There were no injuries in the genitals. Semen was found in her undergarments and not in her genitals which shows that there was consensual intercourse. The doctor said in the court that the victim was raped but while saying so he also admitted that this conclusion was based on the police's requisition for the post-mortem examination, in which their suspicion of rape was mentioned.⁴

³ Akash Krishnan 'The case of Dhananjay Chatterjee: a noteworthy lesson for the judiciary' (*ipleaders*, November 18 2021)< <https://blog.ipleaders.in/case-dhananjay-chatterjee-noteworthy-lesson-judiciary/>> accessed 5 April 2023

⁴ Debasis Sengupta 'Dhananjay Chatterjee- An innocent person judicially killed by the state'(*millenniumpost*, 9 october 2016)<<https://www.millenniumpost.in/dhananjay-chatterjee--an-innocent-person-judicially-killed-by-the-state-161059>>accessed 30 March 2023

The eyewitnesses who claimed to have seen Dhananjay on the victim's balcony were lying because during reanalyzing the facts it was found that the balcony of the victim was not visible from the position at which the witnesses were standing at that time. Within seven days of the murder, the whole Parekh family shifted to Mumbai which was quite doubtful. Many a time Mrs. Parekh also avoided being present at the court. When Mrs. Parekh came back to her home and the deceased did not open the door she immediately asked to break the door instead of trying to contact her daughter through the telephone or intercom which was quite a dubious act.

There were no fingerprints of the appellant in any part of the apartment of the deceased or any of her body parts. There were no signs of struggle on his face or blood marks on his dress when he came out to meet the supervisor. The forensic experts also stated that there was no trace of blood on his dresse. Another anomaly that comes to light is that Mr. Bijoy who was supposed to replace Dhananjay never appeared in the scene. He was not questioned about his non-appearance for his duty.

CONCLUSION

So, after going through all the facts it becomes quite evident that the case of Dhananjay Chatterjee was not fought properly and some significant pieces of evidence were overlooked. The Court focused too much on Dhananjay's absconding and the previous happenings like the teasing of the deceased by Dhananjay. It can be understood that if all the available clues were interpreted in a detailed manner then the scenario might have been different. The principle of the Indian Judiciary that even if a hundred criminals go free, one innocent person should not suffer should be always kept in mind.