
BEYOND REASONABLE DOUBT: AN ANALYSIS OF WRONGFUL CONVICTIONS IN INDIA FOCUSING ON THE DHANANJOY CASE

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ABSTRACT

The efficiency of the criminal justice system is contingent upon its precision, specifically, its capacity to convict those who are guilty while exonerating the innocent. However, it is a known fact that wrongful convictions do occur, and it is essential to identify and comprehend the factors that contribute to these miscarriages of justice in order to uphold the integrity of our legal system. William Blackstone famously stated, "It is better that ten guilty persons escape than that one innocent suffer." A significant challenge confronting our nation in relation to the criminal justice system is the rising incidence of wrongful convictions. The occurrence of wrongful prosecution of innocent individuals indicates a scenario in which a person is convicted during the trial phase but subsequently exonerated during the appeal process. However, the state lacks a reliable system to identify those who have been wrongfully convicted or to ascertain precise statistics regarding such cases. This deficiency arises from the failure of state officials to maintain records of acquittals or discharges. Moreover, the issue extends beyond mere statistics, as it perpetuates a cycle of wrongful justice, resulting in the innocent suffering not only the deprivation of their rights but also social isolation. This situation highlights a troubling aspect of our legal system, where individuals endure the consequences of errors or negligence by those in authority, jeopardizing their human dignity, rights, and liberty. The prevalence of such legal misjudgments is challenging to quantify, as many sentences remain unchallenged. Consequently, the issue of wrongful conviction and prosecution has escalated into a significant concern, necessitating immediate attention from the state to ensure justice for victims through fair trials and appropriate compensation. This research paper aims to deal with the concept of wrongful conviction and wrongful detention by analysing the landmark case of *Dhananjay Chatterjee v. State of West Bengal*. This research paper has been divided into three parts where Part I deals with the objective and methodology utilised in this paper, Part II highlights the concept of wrongful conviction and various aspects in relation

to it, and Part III discusses the landmark case including the judgment and alternative theory surrounding the case.

Keywords: Wrongful Conviction, Criminal Justice System, Exonerated, Wrongful Detention

PART I

INTRODUCTION

The principle of 'innocence of the accused' serves as the cornerstone of our adversarial legal system. In this framework, the accused is presumed innocent until proven guilty beyond a reasonable doubt, with the burden of proof resting on the prosecution (J.P, 1971). Consequently, the accused has access to various defences throughout the legal proceedings until guilt is established. However, there may be instances during the trial where the accused faces aggravation from frivolous or malicious actions, potentially instigated by law enforcement officials who may fabricate evidence against an innocent individual. Such circumstances can result in wrongful convictions, highlighting a significant lack of accountability and transparency within our legal system. The phrase "wrongful conviction" denotes a significant failure or miscarriage of justice, resulting in the conviction of an innocent individual for a crime they did not commit, while the actual offender remains at large and unpunished. Such incidents erode public trust in the legal system, casting doubt on the credibility of our criminal justice system. Law and order are vital elements of a civilized society, aimed at safeguarding individuals from wrongful acts and unfortunate occurrences. For a criminal justice system to be effective, it is imperative that the state upholds law and order within the community. However, wrongful convictions reveal the state's shortcomings in this regard. Therefore, it is incumbent upon the state to ensure justice for those wrongfully accused and to offer them suitable compensation. The Criminal Procedure Code of 1973¹ encompasses various fundamental legal principles, including the presumption of innocence for the accused and compensation mechanisms, which are intended to prevent such injustices from occurring. Nonetheless, there is a notable absence of robust statutory provisions to protect the interests of wrongfully prosecuted individuals, as misconduct by law enforcement and prosecutorial authorities results in a considerable number of false allegations. This situation not only disrupts the social fabric of the country but also places an increasing strain on the

¹ The Code of Criminal Procedure, 1973,

judiciary, leading to a backlog of cases and delays in their resolution. The concept of wrongful conviction is analysed with the help of the landmark case of *Dhahnajoy Chatterjee v. State of West Bengal*², where the accused was convicted and then later given the death sentence after 13 years of tiring legal battle and imprisonment solely on the basis of circumstantial evidence. Dhananjay Chatterjee was the first person to be executed in the 21st Century in India, and an alternative theory regarding the murder of the victim in this case proves that the legal system in India is more inclined towards convicting the accused rather than providing the deserved justice in the case.

RESEARCH PROBLEM

This research paper conducts a doctrinal analysis of current laws and case studies to explore wrongful convictions in India. Wrongful convictions are increasingly problematic within the Indian criminal justice system. Such cases occur when individuals are wrongly prosecuted and convicted, only to be exonerated later. These innocent individuals endure coercion, torture, and forced confessions during police interrogations, yet are wrongfully deemed guilty. Even after being declared not guilty, their experiences of victimization remain traumatic. Their struggles persist post-release due to societal neglect. This study examines the factors leading to these injustices and evaluates existing remedies, including compensation and state efforts for victim rehabilitation.

RESEARCH OBJECTIVES

The objectives of this research paper include

- The objective is to investigate the consequences of wrongful convictions or imprisonment on innocent individuals awaiting trial, as well as to identify the factors contributing to these errors by the state.
- The study aims to explore the various constitutional provisions in India that enable victims of wrongful prosecution to seek legal recourse, including compensation.
- It will examine significant landmark rulings issued by the Supreme Court concerning

² Dhahnajoy Chatterjee v. State of West Bengal, 1994 SCC (2) 220: 1994 SCR (1) 37 (India).

wrongful prosecution.

- The paper also analyses the case of *Dhananjoy Chatterjee v. State of West Bengal* in relation to the topic at hand and also discuss the alternate theory of the murder of the victim.

RESEARCH METHODOLOGY AND SOURCES OF DATA

This research paper collected its data from various articles, journal articles and various secondary sources. This research paper also utilized the required laws, acts and statues to interpret the mentioned case laws. This research paper also collected its data from secondary sources to provide the required details to analyse the mentioned case. This research paper has utilized a descriptive as well as analytical methodology to deal with the topic at hand. This research paper has used various sources, including research papers, articles and other sources, to gather and utilize the information to highlight the topic and to discuss it in detail.

LITERATURE REVIEW

- *Human Rights in the Criminal System, P. N. Bhagwati*

This article aims to deal with the role of human rights and their violation and protection in the criminal justice system. This article questions to what extent the justice system must protect the rights of the parties involved. This article attempts to deal with the protection of the rights of the parties as well as serving the deserved justice to them. (Bhagwati, 1985)

- *Towards an International Right to Claim Innocence, Brandon L. Garrett*

This article aims to deal with the wrongful convictions and the laws relating to the same incorporated in different countries. This article states that large and small countries, civil and common law countries, countries with very different perceptions towards criminal justice have increasingly developed mechanisms to permit convicted individuals to claim innocence. (Garrett, 2017)

- *Race, Wrongful Conviction & Exoneration, Earl Smith & Angel J Hattery*

This article aims to deal with the role of race in the wrongful convictions of citizens. This article aims to highlight the crucial role played by race and the bias against people who are

purposefully and wrongfully convicted. This article also shows the demographic breakdown of the exonerated population which is compelling because it varies from the people who are incarcerated. (Earl Smith, 2011)

- *Prosecutors and Victims: Why Wrongful Convictions Matter, Jeanne Bishop & Mark Osler*

This article makes an attempt in understanding the complicated relation and interaction between the prosecutors, victims of crime and the adverse outcomes. The article also states that prosecutors have two interests in wrongful conviction. They are pledged to the cause of justice and the conviction and sentencing of an innocent person is contrary to that role. (JEANNE BISHOP, 2015)

- *One Hundred Years Later: Wrongful Convictions After a Century Of Research, Jon B Gould & Richard A Leo*

This article provides an analysis of a hundred years of research concerning the causes and repercussions of wrongful convictions within the American criminal justice system, while elucidating the numerous insights derived from this extensive body of work. It details the variety of studies conducted on wrongful convictions, investigates the prevalent sources of error within the criminal justice system and their implications, identifies areas that require further research and focus, and explores methodological approaches aimed at enhancing the quality of research related to wrongful convictions. (JON B. GOULD, 2010)

PART II

WRONGFUL CONVICTION

The term "wrongful conviction" can be examined through two distinct components:

1. Wrongful
2. Conviction

In this context, "wrongful" pertains to the repercussions that arise when it appears that appropriate legal protocols have not been adhered to during the processes of investigation,

confession documentation, witness identification of the accused, and the provision of legal counsel. Such a conviction may be deemed prejudiced, biased, and unjust, failing to align with constitutional standards. Conversely, "conviction" refers to the post-adjudication phase in which either the trial court or the first appellate court has made an erroneous judgment in the case (Priyanshee). A conviction may also be classified as wrongful for several additional reasons:

1. Procedural errors have occurred that infringe upon the rights of the convicted individual.
2. The individual convicted is factually innocent of the alleged offences.

As defined in Duhaime's Law Dictionary, "*a wrongful conviction is a conviction of a person accused of a crime which, in the result of the subsequent investigation, proves erroneous.*" The definition also encompasses individuals who have engaged in criminal acts and planning, yet whose convictions were secured in contravention of constitutional or other procedural rights. When innocent individuals are wrongfully convicted in criminal cases or are pressured into confessing to crimes they did not commit in order to evade the death penalty or life imprisonment, the consequences are severe. Such innocent defendants may endure years of incarceration or prolonged trials, leading to unjust penalties.

STATISTICS SHOWING WRONGFUL CONVICTION

In recent years, the rate of wrongful convictions in the country has steadily risen. Currently, there are more innocent individuals incarcerated than at any other time. According to the 2019 data from Prison Statistics India (PSI), 69.0% (330,487) of the total prisoner population (478,600) are awaiting trial³. A review of the PSI reports from 2015 and 2019 indicates a 1.8% rise in the number of prisoners awaiting trial over the past four years⁴. Although the data does not reveal the figures for wrongfully convicted or acquitted individuals, it presents a misleading view of the troubling situation. The path from the District Court to the Supreme Court is undeniably intricate, and many victims are disinclined to pursue a Public Interest Litigation in this esteemed Court due to various considerations. This challenging

³ *Prison Statistics India (2019)*, NATIONAL CRIME RECORDS BUREAU
<https://ncrb.gov.in/sites/default/files/PSI-2019-27-08-2020.pdf>

⁴ *Prison Statistics India (2015)*, NATIONAL CRIME RECORDS BUREAU,
https://ncrb.gov.in/sites/default/files/PSI-2015-%2018-11-2016_0.pdf

procedure necessitates an appeal from one judicial body to another, and should they be fortunate, their case may be reviewed by a bench that possesses the requisite discernment to evaluate the facts and ascertain their innocence. The Indian judicial system has exhibited a significant deficiency in accountability, particularly in its failure to compensate individuals who have been wrongfully imprisoned. Additionally, the inconsistent practices employed by the judiciary have exacerbated the prevailing disarray within the system.

Research indicate that most petitioners experienced extensive delays, often spanning several months or even years, before they could initiate a formal court case. This situation arises from the intricate procedural requirements and the convoluted methods employed by the Court in granting compensation to victims of wrongful convictions. The prolonged duration of cases, coupled with complicated judicial procedures, can significantly discourage victims from pursuing an appeal in court. The National Judicial Data Grid (NJDG), which assesses the performance of courts across the nation, indicates that 26.55% (26,462) of appeals against convictions have remained unresolved in the High Courts for over a decade⁵. Additionally, the statistics reveal that 27.83% (27,738) of these appeals have been pending for more than five years⁶. This data highlights the significant backlog within the country's judiciary. The principle of 'speedy delivery of justice' becomes impractical when over half of the appeals against convictions have been outstanding for more than five years.

REASONS FOR WRONGFUL CONVICTION

The primary objective of the criminal justice system is to investigate the factors that contribute to injustice or inhumane treatment of individuals who have been wrongfully convicted, ensuring that adequate remedies are available to them. Wrongful convictions typically arise from negligence or misconduct during various stages, including police interrogations, investigations, the handling and examination of documents, and the appearances of both the accused and witnesses in court (Priyanshee). The Court in *Ayodhya Dube & Ors. v. Ram Sumar Singh*⁷ determined that the failure to adhere to appropriate procedures, the absence of disciplinary measures, and the inadequate assessment of relevant facts result in a state of perversity, potentially causing significant hindrance to the administration of justice. Errors

⁵ National Judicial Data Grid, https://njdg.ecourts.gov.in/hcnjdgnew/?p=main/pend_dashboard

⁶ National Judicial Data Grid, https://njdg.ecourts.gov.in/hcnjdgnew/?p=main/pend_dashboard

⁷ *Ayodhya Dube & Ors. v. Ram Sumar Singh*, AIR 16 SCC 715 (India).

made during the trial process are a significant cause of miscarriages of justice in wrongful conviction cases and some of these factors and errors include

1. Misconduct or Fraudulent Acts done by the state or by officials of the state
2. Malicious institution of false criminal proceeding
3. Fabrication false evidence
4. False Confessions
5. Hostile witnesses
6. Misunderstanding or misidentification by the eyewitness
7. Incompetence of the lawyer
8. Bias or discrimination towards certain sections of society

IMPACT OF WRONGFUL CONVICTION

Society frequently relies on the penalization or sentencing of individuals labelled as "criminals" within our legal framework, as we place our confidence in the efficacy of the justice system. Once an individual is convicted of an offense, they are often regarded as guilty for life, while those deemed innocent are presumed so indefinitely. However, what if such determinations are erroneous or made without due consideration? Furthermore, if a death sentence is imposed on an innocent person, can that decision ever be undone? (Barrett, 2017)

The consequences of wrongful conviction manifest as a persistent injury in the post-release life of an innocent individual. For someone who has already endured the irretrievable loss of precious years, reintegrating into a normal existence proves to be a formidable challenge, as the emotional scars from such false allegations are enduring and difficult to erase from memory. In the matter of *Mohd. Jalees Ansari & Ors. v Central Bureau of Investigation*⁸, the victim's brother expressed his reluctance to pursue a Compensation Petition, stating that they were both financially and emotionally exhausted, lacking the desire to engage in yet

⁸ Mohd. Jalees Ansari & Ors. v Central Bureau of Investigation, 2016 (11) SCC 544 (India).

another uncertain legal struggle; they had already forfeited all their resources in the effort to bring his brother back home. This form of wrongful conviction not only disrupts the life of the individual but also exerts a significant influence on society as a whole. Various significant factors in an individual's life can adversely affect their self-identity, physical and mental health, relationships with society and others, perceptions of the criminal justice system, reputation, financial stability, educational opportunities, employment challenges, and the management of issues following their release. These interconnected problems can lead to substantial psychological difficulties. While there may be opportunities for individuals to rise above the impacts of social stigmatization, the psychological repercussions tend to be more challenging to address (Irazola, 2013). Common psychological effects include post-traumatic stress, anxiety, and depression (Scott, 2010).

There have been numerous instances in India where innocent individuals have faced prosecution only to be subsequently acquitted (Wrongful Prosecution (Miscarriage of Justice): Legal Remedies, 2018). However, the Indian criminal justice system has yet to implement an effective strategy to address or prevent such occurrences. The case of *Hussainara Khatoon and Others v. Home Assistant State of Bihar*⁹ brought to light the troubling circumstances faced by undertrial prisoners in Bihar following the submission of a habeas corpus writ petition to the Supreme Court. In its ruling, the Supreme Court affirmed that the Right to a Speedy Trial is a crucial component of the criminal justice system across all states, as recognized by the apex court. In the matter of *State v. Saqib Rehman and Others*¹⁰ the Supreme Court determined that the victim was unjustly prosecuted due to a police officer who fabricated false evidence against this innocent individual. However, no compensation was granted to the victim, nor was the police officer held accountable for the creation of false evidence. The case of *Madhubala Mondal* from Assam serves as yet another illustration of negligence or error on the part of law enforcement, which resulted in the misidentification of the accused. Consequently, an innocent 59-year-old woman was wrongfully detained for three years for a crime she did not commit (Luhadia, 2017).

This illustrates how a mistake by state officials can devastate the life of an innocent individual, infringing on their freedom and privacy while subjecting their family to societal shame and criticism. Given these circumstances, there is a pressing need for increased

⁹ *Hussainara Khatoon and Others v. Home Assistant State of Bihar*, 1979 AIR 1369 (India).

¹⁰ *State v. Saqib Rehman and Others*, (2012) 4 DLT (Cri) 584 (DB) (India).

transparency and accountability within India's legal institutions. The state must be obligated to correct the wrongs it has inflicted, assisting the individual in reintegrating into society post-release and providing sufficient financial compensation to both the individual and their family.

HUMAN RIGHTS VIOLATION

The Universal Declaration of Human Rights¹¹, established in 1945, outlines the principle of wrongful conviction. Such wrongful prosecution or conviction constitutes a direct violation of an individual's human rights. The infringement of human rights manifests as limitations on personal freedoms, including the freedom of movement, thought, and privacy, which individuals are legally entitled to enjoy. A notable example of human rights violations is the arbitrary arrest and detention carried out by state or government authorities. In these instances, the responsibility for the wrongdoing lies entirely with the state, as it fails to take necessary measures to prevent or safeguard against such injustices. The rights of individuals wrongfully convicted are established in the International Covenant on Civil and Political Rights and are also mentioned in the Constitution of India. The ICCPR, 1976 (Equality and Human Rights Commission, n.d.), grants individuals the ability to access a broad spectrum of human rights.

1. Right to a Fair Trial
2. Right to get freedom from torture and cruelty and other inhuman or degrading treatment or punishments
3. Freedom of thoughts, religion and expression
4. Right to Privacy
5. Right to Equality and Non-discrimination

As per the Constitution of India, wrongful conviction violates certain provision relating to human rights which include:

1. **Article 21¹²**: No individual shall be deprived of their life or personal liberty except in

¹¹ Universal Declaration of Human Rights of 1945.

¹² The Constitution of India, §21, 1949 (India).

accordance with procedures established by law. However, these rights are fundamentally declarative, as there exists no enforcement mechanism to address wrongful convictions. Wrongful prosecution directly infringes upon the life and freedom of movement of the innocent, resulting from the state's failure to ensure justice.

2. Article 22¹³: This provision safeguards individuals against unlawful arrest and detention in specific circumstances. However, this right may appear somewhat illusory, particularly in instances of wrongful prosecution, which constitutes a type of illegal arrest and detention. Unfortunately, this right does not extend protection to victims of wrongful conviction, likely due to the fact that the wrongdoing originates from the actions of state authorities themselves.

The procedures available for the enforcement of such rights allows an individual who has been wrongfully prosecuted to seek recourse by filing a writ petition in the High Court under Article 226¹⁴ or in the Supreme Court under Article 32¹⁵ (Yethirajulu, 2004).

JUDICIAL RULINGS AND REMEDIES PERTAINING TO WRONGFUL CONVICTIONS

The judiciary has proactively addressed the issues concerning victims by issuing several landmark rulings. In certain instances, these rulings have resulted in compensation for the victims, while in others, compensation has been denied. However, in all cases, the judiciary has not held state authorities accountable for their errors. Furthermore, aside from these judicial precedents, there exists no comprehensive legal framework to offer relief to the victims. Consequently, individuals are compelled to rely on judicial decisions for guidance in such matters.

REMEDIES UNDER THE CONSTITUTION

The case of *Bhim Singh, MLA v. State of Jammu & Kashmir and Ors.*¹⁶ highlighted the court's failure to establish a proper compensation mechanism for the innocent. This situation

¹³ The Constitution of India, §22, 1949 (India).

¹⁴ The Constitution of India, §226, 1949 (India).

¹⁵ The Constitution of India, §32, 1949 (India).

¹⁶ *Bhim Singh, MLA v. State of Jammu & Kashmir and Ors.*, AIR 1986 SC 494.

represented a clear violation of Articles 21 and 22(2)¹⁷ of the Indian Constitution. In this instance, an MLA was unlawfully arrested and detained, which prevented him from attending a legislative assembly session, actions carried out by police authorities. The court ultimately granted Rs. 50,000 as compensation to the MLA. In the significant case of *Rudul Shah v. State of Bihar*¹⁸, the court ruled in favor of the victim, granting ₹30,000 in compensation for a wrongful arrest that lasted 14 years, which infringed upon the rights protected by Article 21 and Article 22 of the Indian Constitution. In the case of *Ram Lakhan Singh v. State Govt. of UP*¹⁹, the courts possess the inherent authority to direct state officials to provide sufficient compensation to the wronged party, aiding in their rehabilitation, as wrongful conviction constitutes a blatant infringement of fundamental and legal rights. Numerous instances exist where courts have favored victims and granted them appropriate compensation, as seen in cases like *Khatri v. State of Bihar*²⁰, *Boma Chara Oraon v. State of Bihar*²¹, and *A Woman's Resources Centre & Ors. v. Commissioner of Police, Delhi*²². In each case, the court found the police or state authorities accountable for their negligence.

Besides the instances above, the court has limited its perspective and sought to reduce the authority to grant compensation for breaches of the Right to life and personal liberty. In the case of *Sube Singh v. State of Haryana*²³, it was established that monetary compensation would not be granted in every instance of violating the Right to life and personal liberty. The Supreme Court declined to provide any financial compensation to the victims, as it found the evidence insufficient to demonstrate that the petitioners had been unlawfully detained or had suffered custodial torture and harassment against their family members.

DAMAGES AS REMEDY

The Delhi High Court, in the significant case of *Babloo Chauhan v. State Government of NCT of Delhi*²⁴, emphasized the necessity for a thorough legislative framework aimed at providing compensation to victims who have been wrongfully convicted. These remedies typically involve monetary compensation and are associated with civil lawsuits against the

¹⁷ The Constitution of India, §22(2), 1949 (India).

¹⁸ *Rudul Shah v. State of Bihar*, (1983) 4 SCC 141.

¹⁹ *Ram Lakhan Singh v. State Govt. of UP*, (2015) 16 SCC 715.

²⁰ *Khatri v. State of Bihar*,

²¹ *Boma Chara Oraon v. State of Bihar*

²² *A Woman's Resources Centre & Ors. v. Commissioner of Police, Delhi*

²³ *Sube Singh v. State of Haryana*

²⁴ *Babloo Chauhan v. State Government of NCT of Delhi*

state's and its officials' persistent actions. Article 300²⁵ of the Constitution states that "the government of India can be sued in its own name." This type of remedy differs from those outlined in the Indian Constitution, as the concept of damages is linked to tort law, whereas compensation is often exemplary. In the case of *Kasturilal Ralia Ram Jain v. State of Uttar Pradesh*²⁶, the court upheld the principle of sovereign immunity, ruling that the state is not liable for monetary compensation to victims when performing its duties. This issue arose from the negligence of state or police officials, leading to lawsuits for damages incurred by innocent parties. Conversely, in *State of Bihar v. Rameshwar Prasad & Another*²⁷, the court upheld compensation for a victim wrongfully convicted due to harassment from criminal proceedings initiated by the state. In a significant ruling in the case of *S. Nambi Narayanan v. State of Kerala*²⁸, the Supreme Court granted Rs. 50 lakh in compensation to the ISRO scientist wrongfully accused of espionage after a lengthy 24-year legal struggle. This decision, coming 24 years after the wrongful conviction, highlights the importance of addressing injustices in a timely manner.

PART III

ANALYSIS OF THE CASE

FACTS OF THE CASE

Nagardas Parekh, a shopkeeper, along with his wife Yashomati Parekh and their children Bhavesh Parekh and Hetal Parekh, lived in Anand Apartments in Paddapukur in the city of Kolkata. Hetal Parekh was an 18-year-old student of the Welland Gouldsmith School in Kolkata. On 2 March 1990, Hetal complained to her mother that the watchman of their building, Dhananjay Chatterjee had been teasing her while she was going to and coming back from school. Yashmoti subsequently informed her husband, Nagardas Parekh, about the appellant's conduct towards their daughter. In response, Nagardas raised the issue with Shyam Karmakar, asking him to take action against the appellant. At the request of Shyam Karmakar, who visited Nagardas at his apartment regarding the matter, a written complaint was submitted. Consequently, the appellant was transferred, and Shyam issued a transfer order assigning the

²⁵ The Constitution of India, §300, 1949 (India).

²⁶ *Kasturilal Ralia Ram Jain v. State of Uttar Pradesh*

²⁷ *State of Bihar v. Rameshwar Prasad & Another*

²⁸ *S. Nambi Narayanan v. State of Kerala*

appellant to 'Paras Apartment.' Bijoy Thapa, a security guard at Paras Apartment, took over the appellant's position at Anand Apartment. This transfer was set to begin on March 5, 1990. On that day, as per their usual schedule, Nagardas Parekh and his son Bhawesh Parekh, the father and brother of the deceased, left for work and school in the morning. Bhawesh returned to the apartment around 11:30 a.m., had his meal, and then went to his father's workplace as usual. The deceased came back to her flat after completing her exam at approximately 1 p.m. Yashmoti, the mother of the victim, would visit Laxmi Narayan Mandir daily between 5 and 5:30 p.m.

On the day of the incident, she left for the temple around 5:20 p.m. Hetal, the victim, was alone in their flat at that time. Shortly after Yashmoti departed, the appellant encountered Dasarath Murmu, another security guard on duty, and informed him he was heading to Flat No. 3-A to make a phone call. The appellant then took the lift to that flat and committed the alleged offenses. At approximately 6:05 p.m., Yashmoti returned from the temple. Upon reaching her flat, she rang the bell multiple times but received no answer. She called for help, which drew the attention of several neighbours. They also attempted to get a response by ringing the bell and knocking but to no avail. Eventually, the neighbours, along with their servant and the liftman, forced the door open, and upon entering the flat, Yashmoti noticed the bedroom door was ajar. Yashmoti discovered Hetal unconscious on the floor with her skirt and top pulled up and there was blood next to her head and on the floor. There was blood on her hands, her clothes and her genitals. Marks of violence as well as more blood was found on her face and the swing present in the room also had blood stains on it. Yashomati found Hetal's undergarments lying near the entrance door. Yashomati picked up the body and rushed downstairs and in the meantime a doctor was called to examine. After examining her in the elevator, the doctor declared her dead. The news of Hetal's death was given to her father and her brother and Bhavesh rushed to his home around 7 p.m. Around 9.30 p.m Nagardas returned home and subsequently contacted the Bhawanipore Police Station. Upon receiving the call, sub-inspector Gurupada Som, the on-duty officer, quickly arrived at the scene with other officers, recorded the FIR based on Yashmoti Parekh's statement, and began the investigation.

INVESTIGATION

In the scene of the crime, the police found certain objects that were peculiar and were out of the ordinary, which included a broken chain and the cream-coloured shirt button. Also,

a woman's Ricoh wristwatch was missing from the cupboard, which was identified by Yashomati the next day. The lift operator testified to the police that Dhananjoy used the lift to go to apartment 3-A. The postmortem conducted on Hetal's body showed that she sustained 21 injuries on her body in the areas of neck, hip, elbow etc., and the injuries states that Hetal was hit on her face multiple time and was pressed against the swing in the room. Her hymen also showed tears, there was evidence of fresh blood and traces of semen, but the semen was too disintegrated to identify its origin. The cause of death was determined to be strangulation as seen from the 'fracture and dislocation of the hyoid bone' and this requires high amount of strength to break proving that Hetal's death was caused by a murder.

The police began searching for Dhananjoy the very night of the murder, but he was nowhere to be found. Over the next few days, he neither reported to duty nor came to collect his wages. On 12th May 1990, Dhananjoy was caught in his home village and was arrested. Upon his arrest, according to the police, Dhananjoy confessed to the crimes committed and also showed the spot where he hid his shirt and wristwatch. However, according to the Indian Evidence Act, the confessions made to the police are inadmissible in a court of law as the police might have coerced the confessions out of the accused. The police, in this case, had to rely on circumstantial evidence as there was no concrete evidence pointing towards Dhananjoy.

According to the police, Yashomati left for the temple around 5.20 P.M., and Dhananjoy informed, Dasarath, another guard on duty, that he was going to apartment 3-A to make a phone call and went in the elevator. Around 5.45 p.m., the security supervisor asked Dasarath about Dhananjoy's whereabouts, and Dasarath informed him of the same. He tried calling the flat and received no response, so he shouted the Dhananjoy's name from the ground floor, and Dhananjoy appeared in the balcony and said that he'll be down shortly. He took the stairs down and talked to the supervisor and left. The complaint given by Nagardas to Shyam regarding Dhananjoy and the transfer order given to Dhananjoy were seized by the police to be presented as evidence and the guarantee card for the wristwatch stating that Yashomati was the owner of the watch is also offered as evidence. The broken chain connected the police to Dhananjoy, and it was found out that a neighbour had given this chain to Dhananjoy a month ago.

DHANANJOY'S DENIAL

The police created a picture of what might have happened in the 25-minute window

between 5.20 P.M. and 5.45 P.M. on the day of the crime. According to the police, Dhananjay went to the apartment around 5.20 P.M., attacked, raped and murdered Hetal, rummaged the cupboard for valuables, stole the watch and came down to talk to the supervisor and left. But all of this was denied by Dhananjay. According to him, the transfer order, the testimony of the lift operator, the security, the articles found at the crime scene were staged to frame him. He also stated that on the day of the murder, he came to Anand Apartments, reported to his duty from 6 A.M. to 2 P.M., and left to watch a movie at the theatre, later collected his belongings. Shortly, he purchased some fruits and left for his hometown for his brother's sacred thread ceremony. He said he wasn't present in the building at the time of the crime. Dhananjay also stated that he was never given a transfer order to Paras Apartment and that Bijoy Thapa, the person who was supposed to replace him did not report in Anand Apartment on 5th March.

According to Dhananjay, the transfer order and the written complaint have been fabricated as a subsequent thought and the fact that these documents were seized on 29th of June 1990 supports the theory that these documents have been fabricated post-facto to implicate him. This could have been cleared up by Bijoy Thapa, who was crucially not examined during the trial. The transfer of Dhananjay was also not intimated to the other residents of Anand Apartments. Dhananjay also denied the claims of him harassing Hetal along with the testimonies of Dasarath and the security supervisor. He also denied showing the spot where he hid the clothes and the wristwatch.

TRIAL AND APPEALS

The Court did not consider the defences and logic presented by Dhananjay but instead chose to consider the evidence and facts presented by the prosecution. The trial of Dhananjay lasted for about an year and Dhananjay was convicted for the theft as well as rape and murder of Hetal Parekh by the Sessions Court which gave him the death penalty in 1991. The case was appealed in the Calcutta High Court and the Supreme Court, where both of them upheld the judgment of the Sessions Court of conviction and death sentence. This crime was considered to be a 'rarest of rare crimes.' The Supreme Court stated that 'The offence was not only inhuman and barbaric, but it was a ruthless crime of rape followed by murder and an affront to the human dignity of the society.' Dhananjay attempted multiple times to get the death sentence, but he could not succeed and his mercy petition to the President of India was rejected

twice. After 13 years of imprisonment, on 14th August 2004, Dhananjoy was executed in Alipore Jail (CHATTOPADHYAY, 2004).

GAPS IN THE THEORY AND ITS ALTERNATE

At the time of Dhananjoy's hanging, two statisticians, namely Prof. Probal Chaudhuri and Prof. Debasis Sengupta from the Indian Statistical Institute, Kolkata, started closely examining the case and noticed gaps in the theory of Dhananjoy's conviction. Firstly, the time frame did not match as it would have been impossible for Dhanajoy to rape, inflict 21 injuries to her, murder Hetal as well as commit theft of the wristwatch, speak to Dasarath and the supervisor and then leave the building in a span of 25 minutes.

Another crucial detail is that Dasarath stated that Dhanajoy leaned out of the balcony when he called his name out, but the apartment had grills over the balcony, making it impossible for a person to lean out. One more crucial detail to consider is that Hetal had resisted her attacker which explains the blood on her hands, but Dasarath and the security supervisor did not notice neither any injuries nor any blood on Dhananjoy or any suspicious behaviour. If Dhananjoy was going to rape and murder Hetal, he would not have informed anyone about where he was going or would not have answered Dasarath's screams. If Dhananjoy could hear it from the third floor, someone on the lower floors would have heard it, but no one from the lower floors heard any screams (SENGUPTA, 2016). If Dhananjoy wanted to commit the crime, he could not have answered when he was called, or not tell anyone where he was going or could have taken the stairs where the lift operator could not have seen him. During the trial, the lift operator was declared a hostile witness, contradicting the prosecution's claim.

All these facts made the professors conclude that Dhananjoy was innocent and made them consider an alternative theory that wasn't prodded by the investigators enough. This theory was that it might have been Hetal's family that had murdered her, more specifically, her mother. The postmortem report showed that Hetal's digestive system contained a small amount of undigested food, which is consistent with deaths that occurred after a meal. This proves that Hetal might have been murdered shortly after she had had a meal and not after 5 P.M. Other anomalies include the suspicious behaviour of Hetal's family, where they have arrived 3 hours after receiving the news of the murder and police were contacted later which gave enough time to tamper the evidence.

When the rape is talked about, there is no mention in the post-mortem report about the commission of rape. The injuries suffered were mainly on the neck and the face. According to the report, there was a possibility that Hetal might have engaged in consensual sexual intercourse, explaining the fresh tears in her hymen. She might have engaged in consensual intercourse before she was murdered, possibly in the act of honour killing. The prosecution presented before the court that Hetal was raped, and this premise was not challenged during the trial and the possibility of consensual intercourse was not considered. There was a possibility that Yashomati might have found out about Hetal's intercourse, murdered her in an altercation and frame Dhananjoy for the crime.

SUGGESTIONS AND CONCLUSION

The issue of wrongful convictions is growing, leading to significant miscarriages of justice. Victims endure the loss of vital life moments while wrongfully imprisoned, separated from loved ones for crimes they did not commit. This trauma impacts not only the individual but also their family, persisting even after release. The experience can result in mental and physical harm, along with social stigma. Such state errors can transform innocent individuals into hardened criminals due to harsh prison conditions, undermining public trust in the legal system. However, the judiciary has made notable rulings supporting the wrongfully convicted. Yet, decisions regarding compensation, including amounts and methods, remain at the courts' discretion. Measures must be taken to prevent wrongful conviction and remedies must be provided to rectify in case where it caused harm to the victims.

- Compensation for victims is essential, but it must be sufficient and accessible without requiring court visits from the accused or their families.
- The state should implement rehabilitation programs for innocent victims post-release to help them recover from their trauma and improve their quality of life.
- The state must also actively work to educate and provide employment opportunities for these individuals, as their past records may hinder their chances elsewhere, allowing them to live with dignity and support their families.
- Every criminal faces social criticism, which perpetuates their guilt. However, wrongfully convicted individuals endure a much harsher reality. A public acknowledgment of

their wrongful prosecution and exoneration is essential.

- An independent committee should be established, separate from judges, to review evidence, summon witnesses, and re-investigate cases whenever there are doubts about an individual's conviction.

Crime is inevitable where every minute, someone commits an offense. As social beings, humans will always need courts to administer justice. However, this does not grant courts the power to wrongly convict the innocent while allowing the true offenders to escape. It is crucial to remain open-minded about a person's guilt or innocence until proven beyond a reasonable doubt, as miscarriages of justice can occur for various reasons. Ultimately, wrongful justice is not justice at all as it is merely a miscarriage of justice.

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