

Landmark Judgement

Benoyendra Chandra Pandey v. Emperor (1936) Case Analysis



BENOYENDRA CHANDRA PAND VS EMPEROR

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Antariksh Anant's work, "Case Analysis on Benoyendra Chandra Pandey v. Emperor, (1936)," analyzes **the case of Benoyendra Chandra Pandey v. Emperor, AIR 1936 Cal 73.**

Overview

The mastermind behind this case is an older brother who killed his younger stepbrother by injecting him with plague germs. To clinically continue the procedure, a hired medical expert was brought in.

The older brother's creativity was evident in both the crime scene and the execution. There was a clinical component to this murder case, and experts were involved on both sides. Although some doctors were complicit in the crime, the other doctors played a crucial role in dealing with the crime and its aftermath. It generated enormous public interest at the time, both in India and elsewhere.

Context

Amarendra Chandra Pandey's stepbrother was Benoyendra Chandra Pandey. Their father's land, the Pakur Raj Estates, belonged to both of them. The older and younger brothers were 27 and 16 years old, respectively, when their father passed away. Their father had been married twice.

Additionally, the brothers shared ownership of their aunt Rani Surajbati's belongings. After his father passed away, Benoyendra, the older brother, assumed the role of Karta in the household. But the family was embarrassed by his haughty lifestyle, which included a connection with a dancer named Balikabala.[3]

Because Pakur Raj was deemed unfit to be the Karta, many family members began to wonder what would happen to him under Benoyendra's negligent supervision. His generosity was so great that he didn't even care about giving his younger brother a good education.

The brothers became enraged and tense with one another as a result. When Amarendra

reached adulthood, he also began to assert his rights and authority, which resulted in additional disputes.

The Actual Event

Amarendra was traveling from Howrah station to Calcutta on November 26, 1933. He ran into a stranger on the packed platform, who vanished into thin air. When Amarendra showed the family members the damage mark, they expressed concern and advised him to see a doctor. However, Bayonendra defused the situation by claiming that their family was constructed strong because they descended from warriors.

At that time, this issue was disregarded. Amarendra had a very high fever after arriving in Calcutta. A doctor recommended a blood culture after discovering an unusual needle mark on his arm. After a few days, Amarendra became quite sick and his entire arm swelled.

Benoyendra brought another doctor, who deceived the family into believing it was nothing serious. After a few more days, he entered the hospital and eventually passed away from his wounds.

His passing was an extremely peculiar event. It was noted that the bubonic plague was the cause of his death when the blood culture result was received. It has been five years since the last bubonic plague-related fatality in Calcutta.

The police were involved and began looking into this highly suspected murder after one of the family members later told them about it.

Research

Since Taranath Bhattacharjee was friendly with Benoyendra, some of Amarendra's relatives thought about filing a police plea after his death. Eventually, on January 22, 1934, almost two months later, a petition was presented to the Deputy Commissioner of Police in Calcutta. Sarat Chandra Mitra, a sub-inspector, was given the task of conducting a private investigation into the petition.

After 24 days of hiding the complaints, Benoyendra was arrested on February 16, 1934, while traveling by train to Bombay. On February 17, the day after Benoyendra's arrest, a formal case was filed. Sivapada Bhattacharjee, Durga Ratan Dhar, and other individuals were also charged with conspiring to kill Amarendra.

On February 18, Taranath Bhattacharjee, who claimed to have a DTM (Diploma of Tropical Medicine) to which he was not entitled, was taken into custody. Bombay and Calcutta were the targets of the inquiry. Subsequent investigations on Benoyendra's solo trips to Bombay

with Taranath's company revealed significant, if unexpected, information. The police suspected Benoyendra and Taranath of killing one of Pakur Raj's heirs based on the case's factual matrix.

The Conspiracy's Mind

It all began when Taranath sent an express prepaid telegram to the Haffkine Institute authorities in Bombay, at Benoyendra's request, asking for some samples of the plague culture for laboratory testing. This initiative, however, was unsuccessful since the institute needed the Surgeon General of Bengal's approval.

Later, Taranath went to Dr. Ukil in Calcutta and convinced him that he had discovered a cure for the plague via his diligence and research. After learning this, he asked Dr. Ukil to allow him to work as a trainee in his lab.

Taranath was strictly instructed not to handle the plague culture, even if the laboratory subsequently acquired it from the Haffkine Institute. In the end, Taranath received a recommendation letter from Dr. Ukil to the Haffkine Institute stating that he had found a remedy for the dreaded bubonic plague.

After several unsuccessful attempts, Taranath and Benoyendra eventually succeeded in getting the plague culture from the institute later in Bombay. They even went so far as to buy rats from the market and test the plague culture sample on them.

They discovered that the experiment was successful after it had killed the rat. Soon after, Taranath obtained a leave of absence from the institute under the guise of a family emergency. He and Bayonendra left for Calcutta that same day and never returned.

Taranath vehemently rejected all accusations about the plague culture and the excursions to Bombay when questioned and during the trial. He went on to say incoherently that he had visited Bombay, but not with Benoyendra. In front of the court, Benoyendra also made inconsistent remarks that increased the judge's suspicions about them.

Opinion

Given the previously stated facts and circumstances, the Sessions Court sentenced Benoyendra Chandra Pandey and Taranath Bhattacharjee to death for introducing plague germs at Howrah Station, which ultimately led to Amarendra's death.

Under the watchful eye of the Calcutta High Court, the condemned accused contested the

Sessions Court's ruling. The appeal and reference were heard by the bench that included Justices Lord-Williams and Nasim Ali. The case was described by the High Court as "presumably exceptional in chronicles of wrongdoing." The situation was indeed unique in many ways.

In any event, it was a case of fratricide intended to eliminate the younger sibling in a supposedly zamindar family in Bihar in order to gain exclusive control over the family's assets and wealth. Additionally, the older brother had a very clever plan for this murder for financial gain.

Last but not least, the case was prolonged as the general public in India followed the proceedings with a noticeable fascination. The accused were taken into custody in February 1934, tried in May, and tried until February 1935. Two of the defendants received death sentences. The death penalty was changed by the High Court to transportation indefinitely.

The two men who were condemned, Taranath and Benoyendra Chandra Pandey, were found by the High Court to have conspired with a professional killer to assassinate Amarendra Chandra Pandey. The plague culture that was transported from Bombay was handed to him. The employed individuals, whose personalities were not revealed until the very end, infected their casualty at the Howrah Station with plague viruses as a result of Benoyendra's exhortation and inducement. Amarendra Pandey died as a direct result of this infusion. It was obvious what the heinous misconduct's goal was.

In family homes, Benoyendra Pandey had to get rid of a troublesome accomplice. His attempt to obtain Amarendra Pandey's life insurance for a substantial sum of money demonstrates that, aside from financial gain from the killing of his stepbrother, his main goal was retaliation. Taranath, Benoyendra Pandey's companion, was likely advised to use the clever strategy used to eliminate Amarendra.

Taranath said that it was unimaginable and irrational for the police to unravel the mystery of misconduct committed in a location such as Howrah station. Nevertheless, the predetermination did not favor them, the trick's fundamental elements emerged in the open, and the murderers had to own up to their guilt. The terrible family tragedy cast a shadow over the **Pakur Raj**.