

## DID LACK OF FREE TRIAL LED TO THE HANGING OF AN INNOCENT MAN? STUDY INTO THE CASE OF DHANANJOY CHATTERJEE

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### ABSTRACT

*Significant concerns concerning the administration of justice in India are brought up by the 2004 hanging of Dhananjay Chatterjee, who was found guilty of raping and killing Hetal Parekh. Chatterjee said, "Ami nirdosh," which means "I am innocent," in his last breath. He remained innocent the entire trial and till his death. The argument over whether Chatterjee had a fair trial in light of claims of insufficient legal counsel and procedural flaws is at the heart of the dispute. The legitimacy of Chatterjee's conviction is questioned by critics, who point out that the trial was expedited and that there was insufficient evidence to establish his guilt. The execution of Chatterjee went ahead, raising unanswered concerns about the potential for judicial error. In order to determine whether any procedural or legal factors could have affected Chatterjee's case's conclusion, this study looks at the related facts. Critical concerns encompass the presumption of innocence, the function of legal counsel in capital trials, and the consequences for upcoming criminal justice reforms in India.*

**Keywords:** Circumstantial Evidence, Fair Trial, Judicial Process, Capital Punishment, Public Opinion.

### INTRODUCTION

54 years after the establishment of judiciary in the independent India and did it still fail to deliver a fair judgement in the 2004 hanging of Dhananjay Chatterjee? Dhananjay Chatterjee was convicted of the rape and murder of 18-year old Hetal Parekh and was hanged on his 39<sup>th</sup> birthday, August 14, 200, at the Alipore Central Jail in Kolkata. Even after 14 years in jail, he maintained his innocence until his last breath bearing last words as "Ami nirdosh" which means 'I am innocent'. A few years after his hanging, questions were raised about whether his punishment was justified and whether he had actually committed the crime he was prosecuted for. This raised a mark on the extent of free and fair trials available to the masses.

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## BACKGROUND OF THE CASE

The terrible series of events that the case centers on involves the appellant (Dhananjay Chatterjee), a security guard at Anand Apartments, and Hatel, a teenage student. It all started when Hatel told her mother that the appellant had been harassing her on her way to school, asking her to go to movies with him and making unwanted attempts. Their employer took action in response to these allegations, choosing to move the appellant to a different building.

On the day of his planned transfer, March 5, 1990, the appellant did not show up, nevertheless. Instead, despite being reassigned, he spent the entire morning and afternoon at Anand Apartments. Later that day, a crucial turn of events was triggered by this choice. After returning from school, Hatel's family members left the flat for their individual daily routines, leaving her alone at home during the appellant's unlawful presence at Anand Apartments. At the evening, her mother left to visit a temple nearby, leaving Hatel alone and defenseless. Dhananjay took advantage of the situation by going to Hatel's flat on false pretenses and saying he had to speak with their boss. But his true intentions were soon discovered when the employer happened to catch him on an unexpected visit to the apartment building. Suspicions regarding the appellant's genuine intentions and disregard for the transfer order were aroused by this unexpected encounter.

When Hatel's mother came home from the temple, she was shocked to see that the appellant had entered their flat without permission. She tried calling Hatel inside, but she didn't get a response, so she raised the alarm. The horrifying reality that became apparent when the door was eventually opened was that Hatel had been viciously beaten and had died tragically in her bedroom. Thereafter her father informed the Bhawanipore Police Station at about the telephone. On receipt of the telephonic message, sub-inspector Gurupada Som, the acting duty officer, rushed to the place of occurrence along with some other police personnel and recorded the FIR on the statement of Yashmoti Parekh, the mother of the deceased and commenced investigation.<sup>1</sup>

## FINDINGS AND TRIAL

Police and the judiciary began a detailed inquiry into the circumstances surrounding the crime, shortly after Hatel passed away. In order to gather vital evidence for the prosecution's case

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<sup>1</sup> "Case Brief: Dhananjay Chaterjee v. State of West Bengal" (<https://lawbhoomi.com/>)  
<<https://lawbhoomi.com/case-brief-dhananjay-chaterjee-v-state-of-west-bengal/>>

against the appellant, forensic specialists carefully investigated the crime scene. Hatel's death was ruled a result of strangulation and suffocation after forensic examination of her body produced clear evidence of a physical attack. The severity of the accusations made against the appellant were strengthened by this discovery, which further highlighted how vicious the attack was. Both the Trial Court and the High Court held that the circumstantial evidence and the evidence recovered from the appellant and the victim's house conclusively established the appellant's guilt. The Trial Court sentenced him to capital punishment, which was subsequently confirmed by the High Court.<sup>2</sup> Furthermore, after Dhananjay was apprehended seven days after the incident, goods that had been taken from Hatel's apartment, including her wristwatch, were found on him. This finding offered more damning proof that directly connected the appellant to the break-in and attack that resulted in Hatel's terrible death.

The trial was aimed at objectively evaluating the testimony and facts put forth by the prosecution and defense, under intense public scrutiny and community protest. The prosecution systematically assembled its case, based on witness testimony that emphasized the appellant's disregard for the transfer order and Hatel's previous concerns about the appellant's behavior. By presenting the appellant as having both the chance and the motivation to commit the offense, this story attempted to demonstrate a pattern of wrongdoing and purpose. Furthermore, through the use of DNA evidence and fingerprints obtained from objects in his possession, forensic specialists presented crucial testimony connecting the appellant to the crime scene. Hatel's flat was found to contain pilfered goods, which strengthened the prosecution's case by implying that the appellant was directly responsible for the assault and death that followed as well as his participation in the break-in.

As part of his defense, Dhananjay argued that he was innocent the entire trial and that, on March 5, he had left Anand Apartments to go to a family gathering in his village. His defense plan was based mostly on this alibi and included attempts to cast doubt on the veracity of witness statements and the accuracy of the evidence gathering procedure. By drawing attention to any discrepancies and holes in the prosecution's story, the defense team questioned the chain of custody of the discovered goods. Intense cross-examinations, passionate legal arguments, and the moving testimony of witnesses touched by the tragedy characterized the courtroom

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<sup>2</sup> “LegalStix Law School | Blogs | The Dhananjay Chatterjee Case: A Landmark in Indian Legal History”  
<<https://legalstixlawschool.com/blog/The-Dhananjay-Chatterjee-Case:-A-Landmark-in-Indian-Legal-History>>

proceedings. Hatel's family members in particular described their agony and grief, highlighting the deep effect of her passing on both their lives and the community at large.

## **JUDGEMENT**

Dhananjay was charged with assault, burglary, and murder at Anand Apartments. After a protracted trial that lasted several weeks, the court deliberated on the case. Following a thorough analysis of the facts put forth by the prosecution and defense, as well as the testimony of witnesses and forensic specialists, the decision was made. With the help of witness testimony describing Hatel's grievances against the appellant's improper behavior and approaches, the prosecution's case focused on creating a precise chronology of the events that culminated in her terrible death. The testimonies presented an image of persistent harassment and offered background information regarding the appellant's purported motivation. The appellant acted in a way that was critical to the prosecution's case on March 5, 1990, the day of the incident. Even though he was meant to move into a different building, the appellant defied his employer's orders to remain in Anand Apartments. This decision raised questions about his intentions and his proximity to the crime scene.

Critical forensic evidence was provided during the trial to establish a link between the appellant and the crime. According to a professional examination, Hatel died by suffocation and strangulation, which is indicative of a violent assault. Additionally, personal items that had been taken from Hatel's residence, including her watch, were found to be in Dhananjay's possession upon his arrest. With the help of these facts, the appellant was further connected to the burglary and the attack that resulted in his death.

By providing an alibi claiming he had left Anand Apartments to attend a family function in his village on the day of the occurrence, the appellant's defense team continued to assert his innocence. By questioning the veracity of witness statements and the integrity of the evidence gathering procedure, his defense team aimed to undermine the prosecution's version of events. Amidst passionate arguments from both sides' attorneys and moving testimonies from witnesses, including members of Hatel's family, the courtroom procedures were extremely fraught. In addition to highlighting the necessity for justice and accountability, their testimony also highlighted the tremendous effects of tragedy on their lives and the community at large. The court rendered a decision after assessing the available data and taking the arguments into consideration. Assault, burglary, and murder were the convictions handed down against the

appellant. With the help of corroborated witness testimony, forensic evidence, and the appellant's inability to present a believable alibi, the prosecution had a strong case, and the court's opinion of this was reflected in the ruling. The Alipore Sessions Court sentenced Dhananjoy to death in 1991, and both the Calcutta High Court as well as the Supreme Court upheld it. Dhananjoy also filed mercy petitions with the Governor of West Bengal and the President, but both were rejected.<sup>3</sup>

The seriousness of the crimes committed and their impact on the victim's family were taken into consideration by the court during the sentencing phase, which came after the verdict. Due to the seriousness of the crimes he had committed and the need to prevent future acts of violence of a similar nature, the appellant was sentenced to jail. The rarest of the rare doctrine in cases of death penalty requires the judge to balance all the aggravating circumstances and mitigating factors. However, the court did not consider the young age of the accused while awarding the sentence, which stands to be a very important factor.<sup>4</sup> The court ruled this as the rarest of the rarest cases and Dhananjoy Chatterjee was hanged on 14 August, 2004 at Alipore Central Jail in Kolkata. The judgment had been termed as 'biased' and effectuated by societal pressure and media trial. The very next day of the incident, the media had pronounced its verdict declaring the accused as a rapist and murderer who, being an antisocial element, should be hanged till death. The society was boiling with rage and demanded death penalty with taking out marches and holding rallies. However, the merit of the trial is a debate of another day.<sup>5</sup>

## ANALYSIS AND AFTERMATH

With concerns about the fairness of his trial and the potential consequences of his execution, Dhananjoy Chatterjee's case continues to be a divisive and extremely unsettling episode in India's legal history. Even though Chatterjee had legal representation during the trial, which started in 1991, doubts have remained about how strong his defense was. He may not have had a strong enough defense to successfully refute the prosecution's case, as critics and human

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<sup>3</sup> TNM Staff and TNM Staff, "As 'rapist-Murderer' Dhananjoy's Story Comes on Screen, a Look at the Case That Shook India" (*The News Minute*, May 27, 2021) <<https://www.thenewsminute.com/news/rapist-murderer-dhananjays-story-comes-screen-look-case-shook-india-64644>>

<sup>4</sup> "Dhananjoy Chatterjee Case: A Noteworthy Lesson for the Judiciary" (*The Law Blog*, August 17, 2020) <<https://thelawblog.in/2020/08/17/dhananjoy-chatterjee-case-a-noteworthy-lesson-for-the-judiciary/comment-page-1/>>

<sup>5</sup> "———" (*The Law Blog*, August 17, 2020) <<https://thelawblog.in/2020/08/17/dhananjoy-chatterjee-case-a-noteworthy-lesson-for-the-judiciary/comment-page-1/>>

rights campaigners have noted, pointing to possible weaknesses in his legal counsel. Given the high stakes involved in death punishment cases, this generated more general concerns about the right to a fair trial and due process protections.

The attention the case received from the public and media added to the complexity of the trial proceedings. There was tremendous pressure on the legal system to act quickly and decisively due to the horrific nature of the crime and the demand for justice for Hetal Parekh. There are concerns regarding the trial's impartiality and the possibility that outside influences could affect the verdict because of this atmosphere of increased scrutiny, which may have had an impact on the legal system.

Dhananjay Chatterjee was found guilty in 1991 and given a hanging death sentence. Over the ensuing years, he filed appeals and clemency petitions, but his requests were turned down. After all possible legal challenges to his conviction and sentence were pursued, he was put to death on August 15, 2004. The execution sparked heated arguments about the death penalty in India, with proponents on both sides focusing on its moral ramifications, deterrent power, and appropriate use in situations where guilt is still questionable. The case raised significant concerns about the use of circumstantial evidence to secure convictions, the veracity of confessions obtained under duress, and the significance of providing a strong legal defense for all accused parties, regardless of the severity of the charges against them. Criticism of the judicial process in Chatterjee's case has pointed to potential flaws and gaps in the investigation, trial proceedings, and appellate review that may have compromised the integrity of the verdict. The aftermath of Chatterjee's execution prompted critical reflections on the Indian criminal justice system and its ability to ensure fairness and justice in high-profile cases. In addition to raising serious concerns about the validity of confessions made under duress and the necessity of providing strong legal defenses for all accused parties, regardless of the gravity of the charges against them, the case also brought up significant issues regarding the use of circumstantial evidence in trial proceedings. The question as to how Dhananjay entered the flat and how was the door closed from inside when he left the flat remained unanswered. Also, the question as to why would the victim allow a man who harassed her frequently into the house was not answered. The company time and again issued transfer orders. However, the employer never went to check whether or not the guards complied with such orders. Why an exception was made in this case remained unanswered. Dhananjay had made a complaint to the supervisor regarding an affair that the security guard had with the maidservant of the building.

This could have tipped in favor of the security guard making a statement against Dhananjoy. This conflict of interest was not considered.

The question as to why Dhananjoy was allowed to go to the apartment was not examined. The reason behind allowing Dhananjoy to go to the third floor to make a call was not looked into.<sup>6</sup> Encroachments on the integrity of the verdict in Chatterjee's case have been highlighted by critics of the legal system, citing possible defects and omissions in the investigation, trial, and appellate processes. A concern regarding the susceptibility of capital cases to erroneous convictions and miscarriages of justice was highlighted by the prosecution's main elements of evidence, which were the contested confession and circumstantial evidence. In an effort to prevent future injustices, human rights organizations and legal experts demanded measures that would reinforce the protections afforded by due process, improve the standard of defense counsel for accused parties, and increase openness in court processes. Chatterjee had spent 14 years in jail before he was hanged. He was thus punished twice for a crime he likely did not commit, going by the Kolkata scholars' analysis, for the mere fault of being too poor to engage a competent lawyer. While the Parekh family members were media-shy following the gruesome crime, the media never attempted to track them down to question them about their inconsistent statements even when Chatterjee was about to be hanged in 2004. It is not as if the Indian media lack the resources or the ingenuity to do so.<sup>7</sup> As a cautionary story about the difficulties and complications involved in enforcing the law, especially when it comes to cases involving major crimes and the death penalty, Dhananjoy Chatterjee's case has left a lasting legacy in Indian society. Concerns regarding the morality and ethics of state-sanctioned executions, defendants' rights to a fair trial, and the judiciary's duties in preserving the rule of law while preserving individual liberty were raised by the case, which caused both the legal community and the general public to reflect deeply.

## CONCLUSION

A free and fair trial is crucial to the administration of justice, as demonstrated by the case of Dhananjoy Chatterjee, who was executed for the rape and killing of Hetal Parekh. The

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<sup>6</sup> Mahawar S, "The Case of Dhananjoy Chatterjee : A Noteworthy Lesson for the Judiciary - iPleaders" (*iPleaders*, November 18, 2021) <<https://blog.iplayers.in/case-dhananjoy-chatterjee-noteworthy-lesson-judiciary/>>

<sup>7</sup> Jayaram N, "How India Hanged a Poor Watchman Whose Guilt Was Far from Established" *Scroll.in* (July 21, 2015) <<https://scroll.in/article/741784/how-india-hanged-a-poor-watchman-whose-guilt-was-far-from-established>>

conviction and punishment of Chatterjee have been clouded by claims of anomalies in the judicial process, insufficient legal counsel, and the dubious nature of the evidence utilized against him. His story serves as a sobering reminder of what may happen when due process rights are compromised or ignored in the name of justice.

To make sure that justice is done, but also seen to be done, a free and fair trial is essential. It includes values like the right to legal representation, the assumption of innocence, the prohibition against forced confessions, and the independence of the courts. Concerns concerning the validity and integrity of the legal process are raised by the charges against Chatterjee, which are mostly supported by circumstantial evidence and a contested confession. A person accused of a significant crime is susceptible to prejudice and the demands of sensationalized cases, as demonstrated by the acrimonious character of his trial, critiques of the strength of his defense, and the impact of public opinion.

When it came to Chatterjee's case, a number of things undermined the ideals of a free and fair trial: the use of confessions that might have been obtained under duress, the reliance on circumstantial evidence instead of clear proof of guilt, and the absence of strong legal counsel who could have successfully contested the prosecution's case. These flaws highlight the dangers associated with the death penalty, where the finality of the outcome necessitates the highest standards of procedural justice and due process.

Beyond specific cases, the principles of justice, human rights, and the rule of law are more broadly held in society and are reflected in the necessity of a free and fair trial. No matter how serious the charges are against someone, a fair trial guarantees that they will all have the chance to mount a strong defense, face their accusers, and refute the prosecution's evidence. In addition to defending against abuses of governmental power, it guards against erroneous convictions and supports the legal concepts of equality and justice. A clear reminder of the difficulties and ethical quandaries surrounding the death penalty is provided by Chatterjee's case. It makes people think critically about the moral implications of state-sanctioned executions, the possibility of mistake in court decisions, and the ongoing need to raise the bar on legal norms and procedures in order to avoid injustices. To guarantee that justice is not only carried out but also perceived to be carried out, structural faults in the legal system must be addressed. This is highlighted by the unanswered concerns about his guilt and the fairness of his trial. Ultimately, the Dhananjay Chatterjee case highlights the critical need to respect the principles of a free and fair trial in order to protect justice, human rights, and the integrity of the legal system. It also



serves as an excellent example of the significant influence that legal decisions have on both individuals and society. To stop injustices and defend the rule of law in all of its forms, it exhorts us to support measures that will fortify the protections against due process, improve judicial proceedings' transparency, and foster accountability.

