

The Hanging of Dhananjay Chatterjee (2004) Critiques and Controversies

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Abstract

India carried out the execution of Dhananjay Chatterjee in 2004, who was a security guard convicted for the 1990 rape and murder of a schoolgirl in Kolkata. This case became a landmark in India's death penalty discourse, not only because it ended a long gap in executions, but because it exposed how capital punishment operates at the inter section of public outrage, judicial reasoning and procedural failures. In this chapter we examine the factual background, trail-to-appeal trajectory, and the reliance on the "rarest of rare" doctrine to justify the ultimate sentence. It also examines the execution within wider debates on delay, deterrence and the risk of irreversible error, showing how one case can shape both public memory and legal policy around the death penalty.

Keywords:

Dhananjay Chatterjee execution 2004, Death penalty in India debate, Rarest of rare doctrine India, Capital punishment case Kolkata 1990, Judicial process and death sentence India

Introduction

The Dhananjay Chatterjee case concerns with the 1990 brutal rape and murder of a 14-year-old (conversely stated 18-year-old) schoolgirl, in Kolkata². The case has become one of the India's most debated criminal cases, raising critiques about the evidence, trial conduct, media influence and the use of capital punishment. Through the years various scholars, jurists and human rights advocates have scrutinized this case for potential miscarriage of justice, highlights many irregularities and ethical concerns. His story embodies the challenges faced by courts dealing with crimes which are brutal, the heavy reliance on circumstantial evidence and the variable influence of media and public opinion on judicial outcomes. The primary critiques fall under interrelated themes such as

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² Prithwish Ganguli, *Dhananjay Chatterjee The Pendulum of Justice Swings* (KDP Direct Publishing 2023)⁵

dependence on circumstantial evidence, the absence of DNA testing, influence of media and politics, class bias, procedural lapses. In a newspaper report published on 15th August, 2004 the last statements of Dhananjay Chatterjee were, “I have not done anything. I am being hanged today because I am poor. You do your job.”³ This implies Dhananjay believed that he was being hanged because of his condition but not for crime if committed any as the court was unable to prove his guilt beyond reasonable doubt. At the trial evidence provided against him was mainly circumstantial and there was presence of semen on the victim’s underwear and pubic hair. It was never tested if it matched with Dhananjay. These procedural failures played a crucial role and shaped the case and fate of the accused.

Controversies and problem in investigation and evidence

A central controversy in the Dhananjay Chatterjee case is the quality and interpretation of evidence used to secure his conviction. The prosecution’s case depended on the circumstantial evidence- there were no direct eyewitnesses to the crime. If we retrospect the case, we can find many critical evidential gaps and investigative lapses have been identified. People took to the streets in Kolkata protesting that Dhananjay did not get a fair trial.⁴ Firstly, there was a lack of scientific testing and forensic ambiguities, the autopsy did not establish that Hetal Parekh was raped, although the semen and a hymen tear were noted, there were no injuries to the reproductive organs to indicate a violent sexual assault. The DNA testing was never conducted by the investigators on the evidence to confirm the identity of the person who has committed that heinous crime.

Secondly, the investigators never recovered the knife or weapon which was used to inflict the 21 stab wounds found on the victim, and, surprisingly when Dhananjay was arrested, no blood stains were found on his clothes. The trial court did not adequately address why there was no physical trace of the killer present, like a weapon, blood or DNA.⁵

There was another inconsistency regarding the timeline of the case, the murder was believed to be committed approximately between 5:20-5:50 PM when the

³ Prithwish Ganguli, “*legal implications of pre-execution statements: a focus on dying declarations with insights from the Dhananjay Chatterjee case*”, Indian Journal of Integrated Research in Law Volume IV Issue I,482

⁴ Jha, A. (2019). *Demons & Demigods Death Penalty in India*. Oxford University Press.

⁵ N Jayaram, ‘How India Hanged a poor watchman whose guilt was far from established’ (Scroll.in, 21 July 2015) <<https://scroll.in/article/741784/how-india-hanged-a-poor-watchman-whose-guilt-was-far-from-established>> accessed on 24.10.2025

victim's mother was briefly away, however the family waited nearly three hours before calling the police after they have discovered the body. During that time several people entered the scene and there is a possibility that the evidence might be contaminated.

The witness testimonies and evidence were closely tied to controversies and overall fairness of Chatterjee's trial, since there were no eyewitnesses to the murder itself, the prosecution relied heavily on the circumstantial witnesses and on statements aimed at placing the accused at the scene. The security guard of the apartment testified that he had a conversation with Dhananjay but later Investigator demonstrated that the conversation between Chatterjee and guard from the third-floor balcony was physically impossible. One police witness even admitted that he never saw Chatterjee at the scene and the lift operator's testimony changed midway (he claimed that he has left the accused Infront of the flat. The police had coerced individuals under their direct influence to act as witnesses to these seizures. Strikingly, one of these witnesses was not produced in court, while the other witness has now publicly confessed that he had acted as a fake witness to a fabricated seizure due to pressure from the police.⁶

There were also contradictions in the victim's family as the father's written complaint of harassment which was used to establish motive appears to be prepared only after the crime, initially there was only a verbal complaint.⁷ Similarly the Security agency's alleged written transfer notice was doubtful and was produced months later.

The case unfolded under intense media glare which many believe had an impact on the case's trajectory and public perception. The case quickly became a hot topic and spectacle to grab TRP, often portraying Dhananjay as a heinous villain. The influence of media was so pervasive that it seemed the real trial was happening not in the courtroom but in the court of public opinion. Notably many newspapers described the victim as 14 years old, where as she was 18, by portraying the crime as a rape of a minor, the media heightened the public outrage

⁶ Prithwish Ganguli, *Dhananjay Chatterjee The Pendulum of Justice Swings* (KDP Direct Publishing 2023)148

⁷ PEOPLE'S UNION FOR DEMOCRATIC RIGHTS Delhi "Why was Dhananjay Chatterjee hanged?" (9, September 2015) <<https://www.pudr.org/publicationn-files/2015-Oct-Dead%20Wrong.pdf>> last visited on 26.10.2025

and calls for retribution.⁸ The press did little to investigate the case weaknesses even there were doubts.

Together these evidentiary controversies have led many to believe that Chatterjee's guilt was far from being proved "beyond reasonable doubt". Main physical evidence was never found or never tested and inconsistencies were overlooked. These collectively portrays of a trial that might have failed to uphold the highest standards of justice, as unreliable witness testimony some of it possibly manufactured was accepted unchallenged.

Legal Inconsistencies in Dhananjay's case

Another controversy concerns the legal aspect of the case from the trial verdict through appeals up to the final decision to carry out the sentence. His death sentence was upheld as fitting the "rarest of rare" category of cases that the heinous nature of the crime was the basis for this conviction. However, some legal commentators argue that the sentencing did not sufficiently account for mitigating factors or uncertain proofs. As the doctrine laid down in *Bachan Singh v. State of Punjab*⁹ even when guilt is established, the death penalty should only be given after measuring offender's circumstances and potential to reform. In Dhananjay's case, his young age at the time of the crime, lack of any prior criminal record and his decade waiting before execution arguably held greater merit. Secondly, the gap of 14 years between Dhananjay's conviction and execution also raised legal and ethical issues. The delay in carrying out a death sentence and prolonged torment and the psychological effect on him is a sentence itself as the constant thought of one's death sentence approaching day by day yet to know when it will come. Thus, it became an example of what is termed as "double punishment" where he served a life sentence and then executed¹⁰. Also, further critique is that family members of Dhananjay's said that their economic limitations played a crucial role in their inability to get a better defence. "They admitted their financial constraints, which were evident even during my visit. They openly expressed their inability to secure the services of a renowned lawyer for the case, highlighting that the outcome might have been different with stronger legal

⁸ Aritra Mal, 'Dhananjay Chatterjee vs State of W.B.' (Jus Scriptum Law) <<https://www.jusscriptumlaw.com/post/dhananjay-chaterjee-vs-state-of-w-b>> accessed on 26.10.25

⁹ *Bachan Singh vs State of Punjab*, AIR 1980 SC 898

¹⁰ PEOPLE'S UNION FOR DEMOCRATIC RIGHTS Delhi "Why was Dhananjay Chatterjee hanged?" 9, September 2015) <<https://www.pudr.org/publicationsn-files/2015-Oct-Dead%20Wrong.pdf>> accessed on 26.10.2025

representation.”¹¹ Further the judicial system was incapable of identifying the potential wrongful conviction and examination of evidences produced by the prosecution due to procedural barriers.

Alternative Story: which may be probable

During the original appeals in 1990s no court has entertained alternative hypothesis, alternative angles in crime investigations play a crucial role in ensuring the accuracy, fairness, and integrity of the investigative process. The theory in the book “Dhananjay Chatterjee The Pendulum of Justice Swings” suggests a new version, the girl comes home, changes clothes and her mother notices blood on her undergarments, mother got angry and in the heated moment the situation escalated and the girl was unintentionally killed. Although the death was not planned but a tragic outcome, after that, panic takes over. The mother calls her husband and together they make a plan to escape the situation. At this point two things became important, a liftman mentions Dhananjay’s name which lit up the inspiration of making him a scapegoat within the mother secondly, Prasun Mukherjee also speaks Dhananjay’s name which setup the direction of investigation.¹²

Was the Punishment Justified? and Ethical Concerns

The case raised important question about the connection of human rights, fundamental rights and principles of justice within the context of the prolonged incarceration and execution. The main issue is the human dignity and fundamental rights. While keeping a person on death row for 14 years inflict a constant fear, isolation and psychological torture as the uncertainty you may be killed by the state any time itself violate the right to live with dignity. This also raise a question that can a state inflict extreme mental suffering for years and carry out the execution? Retributive justice is supposed to be about measured response, not revenge. When a person is first psychologically broken for over a decade, and then executed, it starts looking less like justice and more like double punishment.

¹¹ Prithwish Ganguli, *Dhananjay Chatterjee The Pendulum of Justice Swings* (KDP Direct Publishing 2023)132

¹² Prithwish Ganguli, *Dhananjay Chatterjee The Pendulum of Justice Swings* (KDP Direct Publishing 2023)160

Dhananjay Chatterjee's case forces us to confront this, justice is not only about punishing wrongdoing; it is about how we punish and whether the State can cross moral lines in the process. Lastly, Justice P N Bhagwati has observed that capital punishment operates discriminatorily, striking the poor and deprived while the affluent often escape it¹³

¹³ Prithwish Ganguli, *Dhananjay Chatterjee The Pendulum of Justice Swings* (KDP Direct Publishing 2023) 198