

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 536 of 2015**

State of Chhattisgarh, Through the Station House Officer, Police Station Korar,
District North Bastar, Kanker, Chhattisgarh.

---- Appellant**Versus**

1. Suraj Ahir S/o Late Shri Nathnidas, Age 25 years, R/o village Telawat, Police Station Korar, District North Bastar, Kanker, Chhattisgarh.
2. Kamla Bai W/o Late Shri Nathnidas Age 60 years, R/o village Telawat, Police Station Korar, District North Bastar, Kanker, Chhattisgarh.

---- Respondents

For Appellant : Shri B.Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****Order on Board****Per Navin Sinha, Chief Justice****11/08/2015**

1. The present application for leave to appeal has been filed assailing the order of acquittal dated 5.3.2015 of the Respondents, husband and mother-in-law respectively, of the deceased under under Section 304-B/34 IPC, ordered by Additional Sessions Judge, North Bastar, Kanker, in Sessions Trial No. 86 of 2014.
2. Learned Counsel for the State submits that the deceased committed suicide within one year of the marriage which raises a presumption that it was a dowry related death.
3. We have considered the submissions on behalf of the State and examined the judgment of the Trial Court also.
4. Paragraph 13 of the judgment analyzing the medical evidence has arrived at the conclusion that it was a case of suicide by hanging. Paragraph 9 of the judgment adequately notices that the husband of the deceased promptly went and reported the matter to the police and informed her parents also. The

formalities of inquest etc. were completed in presence of parents of the deceased. FIR has been lodged nearly 15-17 days later mentioning for the first time that there were demands for dowry. The parents of the deceased have acknowledged that Respondent No.2, mother-in-law was living separately. They have further acknowledged that they have never lodged any complaint with any other authority or source with regard to harassment for dowry and furnished no explanation for delay in lodging the FIR though they had participated in the funeral rites performed immediately after death.

5. We therefore find no reason to grant leave to appeal.

6. The application for leave to appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE