

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. NO. 1117 OF 2015**

State of Chhattisgarh, through Police Station Dongargarh, District
Rajnandgaon (C.G.)

... Applicant**Versus**

Nitin Sharma, S/o Late Shri Devendra Sharma, aged about 33 years,
R/o Village Badhiyatola, Ward No.6, P.S. Dongargarh, District
Rajnandgaon (C.G.)

... Respondent

For Applicant : Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per NAVIN SINHA, C.J.****16/12/2015**

1. The present application assails acquittal of the Respondent husband from the alternate charges under Section 498-A, 306, 302, 304-B IPC, dated 10.9.2015 in Sessions Trial No. 4 of 2013 by the Additional Sessions Judge, Dongargarh.

2. In view of the conclusive finding that the marriage was more than 7 years old, the question of invoking Section 304-B IPC did not arise. There does not appear to be any evidence as discussed by the Trial Judge with regard to Section 498-A IPC also. But the family members of the deceased had alleged in Exhibit P-3 that the deceased was killed and her body hanged to demonstrate it to be a case of suicide.

3. Medical science has it that there are bound to be differences with regard to the injuries in the neck area, the cartilage and neck bones when a person is killed and then hanged to death, and when a person dies due to hanging. Merely because there may not be any external

injury on the body it cannot lead to a conclusive presumption for suicide. Death can be due to other internal injuries and for poison.

4. Even while we find no reason to interfere with the order of acquittal, we are satisfied that the Trial Judge ought to have been a little more inquisitive to arrive at the truth by a more proactive role calling upon the prosecution to bring further evidence for the manner of death as discussed by us and including putting of questions by the Court to the Doctor while he was in the dock.

5. We find no reason to entertain the application for grant of leave to appeal, which is dismissed.

6. Let a copy of this order be sent to the Director, State Judicial Academy, for training purpose.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge