

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1262 of 2015

Smt. Preeti Giri, son of Mangesh Giri, aged about 37 years, resident of Plot No.9, Shivaji Nagar, Bhilai, P.S. Supela, Tahsil & District Durg, Chhattisgarh
--- **Applicant**

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Supela, District Durg (Chhattisgarh)

For the applicants : Mr. Ashish Surana, Advocate.

For the Respondent : Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.12.2015

1. Apprehending arrest in connection with Crime No.256/2015 registered at P.S., Supela, Distt. Durg (C.G) for the offences punishable u/s 307 IPC, the applicant has filed this application u/s 438 Cr.P.C.
2. As per the prosecution case, on 19.4.2015 certain altercation took place between the applicant, wife and the husband on 19.04.2015 which further aggravated the incident and the wife became enraged and assaulted her husband by means of hammer whereby he sustained grievous injuries. It is alleged that as a result of such assault, as many as 84 stitches were made. On a report being made, the offence was registered against her.
3. Learned counsel for the applicant submits that the she has been falsely implicated in this case and on the date of incident, the applicant herself was admitted in a hospital. He further submits that as per the statement on oath given by the son, aged about 13 years he has not seen any incident and actually the father tried to forcibly administer poison on the mother. Copy of the the affidavit is attached

along-with the petition as annexure A-4.

4. Perused the case diary and the documents. Also perused the statement of the injured as also the statement of the son and other independent witnesses wherein pure allegations have been attributed to this applicant by the son and other independent witness that she has assaulted the complainant Mahesh Giri by hammer.
5. Taking into such statements of the complainant, her son and the independent witness and considering the gravity of offence and degree of allegations and the way in which the offence committed, it is not a case where the benefit of Section 438 Cr.P.C., can be extended. Accordingly, this application is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**