

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.M.P.No.758 of 2015

State of Chhattisgarh **Vs.** Kamlesh Kumar & Ors.

15/09/2015	Shri Roshan Dubey, Panel Lawyer for the Petitioner/ Appellant. As per office note, default has been removed. The instant Cr.M.P. followed by Acquittal Appeal has been preferred within its limitation. Heard on Cr. M.P.for leave to appeal. The Sessions Judge, Rajnandgaon in ST No.89/2014 vide judgment dated 16.6.2015 acquitted the Respondents for offence under Section 306/34 IPC for committing suicide within 7 years of marriage by Teja Bai wife of Respondent 1 and daughter in law of Respondents 2 and 3 as they are father and mother of Respondent 1. For the purposes of leave to appeal, impugned judgment, statements of the prosecution witnesses before the trial Court and charge sheet perused. Learned Counsel for the Petitioner/Appellant submits that as the suicide has been committed within 7 years of marriage, provisions of Section 113 A of the Evidence Act will be applicable regarding Presumption as to abetment of suicide by a married woman regarding subjected her to cruelty, the Court may presume, having regard to all other	

sunita	circumstances of the case, that such suicide has been abetted by her husband or by such relatives of her husband. He further submits that despite evidence, the same has been ignored and not appreciated in the impugned judgment. Upon consideration of the entire evidence, judgment and charge sheet, I am of the view that this is a fit case where leave to appeal be granted. Consequently, the Cr.M.P. is allowed. Registry is directed to list the matter under the head of 'Acquittal Appeal'. Records of the Courts below be requisitioned through usual and fax mode. The Appellant is directed to pay PF within 7 days. Issue notice to the Respondents through usual and registered mode, returnable within 4 weeks for their representation in the matter. List the matter immediately after completion of service and receipt of the records. Sd/ (Chandra Bhushan Bajpai) Judge	