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HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P, No. 876 of 2015**

State Of Chhattisgarh Through District Magistrate Ambikapur, Distt. Surguja Chhattisgarh.

---- Petitioner**Versus**

1. Premchand Gupta S/o Shivshankar Gupta Aged About 32 Years R/o Village Saskalo, Police Station Darima, Distt. Surguja Chhattisgarh.
2. Prakashchand Gupta S/o Shivshankar Gupta Aged About 30 Years R/o Village Saskalo, Police Station Darima, Distt. Surguja Chhattisgarh.
3. Ganeshiya Devi W/o Shivshankar Gupta Aged About 50 Years R/o Village Saskalo, Police Station Darima, Distt. Surguja Chhattisgarh.
4. Shivshankar Gupta S/o Ramvilas Gupta Aged About 60 Years R/o Village Saskalo, Police Station Darima, Distt. Surguja Chhattisgarh.
5. Savita Gupta D/o Shivshankar Gupta Aged About 25 Years R/o Village Saskalo, Police Station Darima, Distt. Surguja Chhattisgarh.
6. Sunita Gupta D/o Shivshankar Gupta Aged About 22 Years R/o Village Saskalo, Police Station Darima, Distt. Surguja Chhattisgarh.

---- Respondents

For Petitioner/State:	Shri B. Gopa Kumar, Deputy Advocate General
For Respondents:	None.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per Navin Sinha, Chief Justice****8/10/2015**

1. The present application for leave to appeal has been filed against acquittal of the Respondents dated 20.4.2015 by the Additional Sessions Judge (F.T.C), Surguja (Ambikapur) in Sessions Trial No.438/2010 from the charge under Sections 498-A, 307/34 IPC.
2. Learned Counsel for the State submits that the allegations were of cruelty and attempting to kill by setting the deceased on fire. Neetu Gupta, PW-4, the victim had had deposed that while she was warming herself by the fire, her mother-in-law tried set her sari on fire because of which she suffered

burn injuries on both her hands, lower part of the abdomen and the thighs. The acquittal was therefore not justified.

3. Neetu Gupta, PW-4 was married to Respondent No.1 on 29.4.2006. The First Information Report was lodged by Neetu Gupta PW-4 at 10.00 a.m in the morning on 27.3.2010 with regard to an occurrence dated 13.2.2010.

4. The Learned Trial Judge has arrived at the conclusion after adequate consideration of the evidence that not a single instance, much less nature of cruelty, was placed during trial. The allegation that Respondent No.3, the mother-in-law tried to set the victim on fire while she was warming herself by the fire has been disbelieved by the Trial Court in view of the fact that no such disclosure was made by Neetu Gupta, PW-4 to Dr. Rachna Arthar, PW-3 before whom she was taken immediately after suffering the burn injuries, opining that if the mother-in-law had forcibly tried to set her on fire, she would surely have made this disclosure to the Doctor at the first instance.

5. We see no wrong in this reasoning of the Trial Judge which is but a perfectly natural sequence of events according to normal human behaviour. We additionally notice that it is not only the husband, but the entire family which has been roped in including the unmarried sisters of the husband, the allegations except for the mother-in-law, are very casual and omnibus with regard to the others.

6. We find no reason to interfere with the acquittal.

7. The appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE