

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 888 of 2015**

State Of Chhattisgarh Through Police Station Lalbagh, Distt.
Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

Brijlal Sahu S/o Late Baldu Ram Sahu Aged About 50 Years R/o Village
Bakal, Police Station Lalbagh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Petitioner/State:
For Respondent:

Shri Vivek Sharma, Panel Lawyer.
None.

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

Order On Board**Per Navin Sinha, Chief Justice****5/10/2015**

1. The present application for leave to appeal has been filed against the conviction of the father-in-law of the deceased under Sections 304-B and 498-A IPC.
2. Learned Counsel for the State submits that the Trial Judge erred in granting acquittal as during the course of trial and in deposition, the witnesses did lead evidence with regard to harassment for dowry.
3. We have considered the submissions. Before the presumption under Section 304-B IPC arises against an accused, the prosecution has to establish a prima facie case, only then the onus shifts to the accused.
4. Upon going through the order of acquittal, it appears that only the father-in-law of the deceased was made an accused and not the husband. The mother and father of the deceased had only spoken of routine marital

discord. The deceased appeared upset because of having to do all household chores as the daughter-in-law. There are vital contradictions between their police statement under Section 161 Cr.P.C and the Court deposition leading the Trial Judge to conclude embellishments.

5. In the entirety, we find no reason to interfere with the acquittal.
6. The application for leave to appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

Priya