

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 249 of 2003**

Bhagwat S/o Devi Ram, Aged about 29 years, R/o Baki Mongra, PS Banki Mongra, District Korba, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through District Magistrate, Korba, Chhattisgarh.

---- Respondent

For Applicant : None.

For Respondent/State : Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****05/08/2016**

1. This revision petition is directed against judgment dated 21.05.2003 passed by the 5th Additional Sessions Judge, Bilaspur in Criminal Appeal No. 158 of 2002 whereby he dismissed the appeal of the Accused/Applicant and upheld the judgment of the Judicial Magistrate First Class, Katghora, District Korba, passed in Criminal Case No. 4561 of 1997, dated 02.05.2002 convicting the Accused/Applicant under Section 498-A of the Indian Penal Code (for short 'the IPC') and sentenced him to undergo rigorous imprisonment for a period of one year with fine of Rs. 300/- and in default of payment of fine, he had to undergo further one months imprisonment. For the offence punishable under Section 323 IPC, he was sentenced to undergo imprisonment for six months.

2. The prosecution story was that Smt. Anusuiya Bai (PW-1) was married to the Applicant and out of this marriage, one daughter was born. According to the complainant (PW-1), for some time, the relationship between husband and wife was normal and thereafter, she was subjected to cruelty. Dowry was demanded

from her and the Applicant is alleged to have assaulted his father-in-law (PW-2). The conviction of the Accused/Appellant is based on the statement of the wife- Anusuiya Bai (PW-1), father-in-law, Padum Lal (PW-2), mother-in-law, Yogeshwari Bai (PW-3) and other witnesses namely Surendra Kumar (PW-4), Amrika Bai (PW-5) and Head Constable, Raghunath Das (PW-6).

3. Both the Courts below have come to a finding of fact on the basis of evidence led by the prosecution that not only has the Petitioner treated his wife with cruelty but he is also guilty of causing injuries to her for which he has been convicted under Section 323 IPC. These are pure finding of fact and such finding of fact cannot be interfered with in a revisional jurisdiction unless there is jurisdictional error or the finding is so perverse that no reasonable man would come to that conclusion. No such error has been pointed out by the Applicant.

4. The revision, being devoid of merit is accordingly dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE