

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No.622 of 2001

Ram Naresh Singh S/o Sitaram Singh, aged about 36 years, R/o Behind Urla Hospital Urla, District Raipur, Originally R/o Vill.Dayanagar, Post Sorigodiya, District Itawa (U.P.).

--- Applicant

Versus

State Of Chhattisgarh.

---Non-applicant

For Applicant	:	None.
For State	:	Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/11/2017

1. The appellant in the instant case stands convicted for the offence punishable under Section 307 of I.P.C. and have been sentenced to undergo R.I. for 7 years and fine of Rs.500/- with default stipulation of R.I. for an additional one month.
2. The challenge is to the judgment of conviction dated 18/05/2001 passed by the 3rd Additional Sessions Judge, Raipur in Sessions trial number 110/2000.
3. As per the prosecution case, the present accused who is said to have set his wife ablaze after pouring kerosene upon her. An F.I.R. in this regard was lodged on 10/01/2000 vide crime No. 06/2000 registered at Police Station Urla, Raipur under Section 307 I.P.C. against the accused person.
4. During the course of the trial, the prosecution examined as many as 12 witnesses. No witnesses have been examined on behalf of the defence. After conclusion of the trial, the trial court vide the impugned

judgment convicted the appellant for the offence under Section 307 of I.P.C. and sentenced him to undergo R.I. for 7 years with fine of Rs.500/-.

5. Present is the jail appeal filed on behalf of the appellant. Though the independent witnesses examined during the course of the trial have not supported the case of the prosecution, but it is a case where the complainant has fully supported the case of the prosecution. The complainant i.e. the wife of the accused has in a very categorical terms have stated before the court below, that it was the present appellant-her husband who had poured the kerosene upon her and set her ablaze as a result of which she got burned injuries. She further said, that she has raised the alarm immediately where upon PW-3, 4 & 5 had gathered immediately at the place of the accident.

6. Though it is a case where the eye witnesses to the incident i.e. PW/3-Ishwar Tiwari, PW/4-Uma Tiwari and PW/5-Sona Bai have not supported the case of the prosecution and have given a different statement in court than what they had given under Section 161, but the fact that the complainant received burn injuries on 10/01/2000 and that they had reached to the spot immediately is not in dispute. Neither is the statement of the three independent witnesses supporting the accused so far as the defence which the appellant tried to take, that of the complainant tried to commit suicide and that the appellant had tried to save her and in the course he had also received burn injuries on his hands. This aspect of presence of appellant and he trying to save the complainant or tried to put off the fire on the complainant is not reflected in any of the statement both in the 161 statement as well as in the court statement of these independent witnesses.

7. Though these witnesses have turned hostile before the court, but the incident in which the complainant received burn injuries stands proved and established. The presence of the appellant at the place of incident and that he also had received injuries on his hands stands established from the record.

8. The reasoning given by the trial court is that, since, the appellant was present at the place of the incident and he too had received burn injuries and that he had not set the complainant ablaze, then the first reaction would have been he would have taken the complainant to the hospital or to the Police Station and would have tried to save her life whereas it is a case where the record shows, that the stand of complainant all along was the incident have occurred at the instance of the appellant and he was arrested also immediately. All these factors goes against the appellant in disproving the case of the prosecution.

9. In the given facts and circumstances of the case this court is of the opinion, that no strong case has been made out by the appellant calling interference with the finding of guilt by the trial court and therefore the judgment of conviction passed by the trial court against the appellant for the offence under Section 301 of I.P.C. stands affirmed and the appeal of the appellant stands rejected.

10. The report which has been furnished by the State Counsel shows that the appellant in the instant case has been released from jail on the completion of sentence and on getting remission also. Hence, no further steps have to be taken in the light of the appeal getting dismissed.

**Sd/-
(P. Sam Koshy)
Judge**