

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 231 of 2015

State Of Chhattisgarh, Through District Magistrate, Rajnandgaon,
Chhattisgarh

---- Applicant

Versus

Satish Soni, S/o. Jhangalu Soni, Aged About 28 Years, R/o. Prabhat
Nagar Rajnandgaon, P.S. Basantpur, District Rajnandgaon, Chhattisgarh

---- Respondent

For State/Applicant : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.07.2017

Heard on application for grant of leave to appeal.

1. The petition is being filed against the order dated 19.12.2014 passed by the Court of Sessions Judge, Rajnandgaon, in Sessions Trial No.92/2013 wherein the respondent/non-applicant has been acquitted under Section 306 of I.P.C.
2. As per the case of the prosecution, the deceased Nidhi @ Jaya was in love relation with the respondent/non-applicant and the non-applicant keep the deceased as his wife, therefore, for few days she remained alongwith non-applicant. Subsequently, the social meeting was called on 02.10.2013 wherein the non-applicant refused to keep the deceased alongwith him. Consequently, she committed suicide by hanging.
3. Learned counsel for the applicant/State would submit that acquittal order passed by the learned Court below is wrong as deceased was subjected to abetment by non-applicant. Consequently, she committed suicide.

4. Perused the record of the Court below. Jivan Nagesh, PW-1, who was the resident of the same place wherein the deceased was residing has not supported the case of the prosecution; brother of the deceased Hemant Baghel, PW-5, has also not supported the case of the prosecution; Pardeshi Ram Baghel, PW-6, father of the deceased, has also not supported the case of the prosecution. Likewise, Kunti Bai, mother of the deceased, has also not supported the case of the prosecution; Rahul Baghel, brother of the deceased, has also not supported the case of the prosecution and Barkha, PW-10, sister of the deceased, has also not supported the case of the prosecution and after they were declared hostile, nothing was brought on record by the prosecution to prove the fact that the non-applicant has abetted the deceased to commit suicide.
5. Consequently, after going through the statement of the witnesses, I am of the opinion that no case is made out by the prosecution, which warrants to allow leave to appeal.
6. Accordingly, the leave to appeal has no merit and is dismissed.

Sd/-
(Goutam Bhaduri)
Judge