

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Reserved on 29-10-2018****Pronounced on 31-10-2018****CRIMINAL APPEAL No. 750/2002**

(Arising out of judgment of conviction and order of sentence dated 13-6-2002 passed by Additional Sessions Judge, Sakti, Distt. Bilaspur in ST No. 241/2001)

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Bhajan Lal son of Sadh Ram Satanami, aged 56 years, R/o. Village Amoda, P.S. Malkharoda, Tah. Malkharoda, Distt. Janjgir Champa (CG)

---Appellant**-VERSUS-**

State of Chhattisgarh, through P.S. Malkharoda, Distt. Janjgir Champa (CG)

---Respondent

For appellant : Shri Yogeshwar Sharma, Adv..

For respondent/State : Shri Suryakant Mishra, P.L.

Hon'ble Shri Sharad Kumar Gupta, Judge**C.A.V. JUDGMENT**

1. In this criminal appeal the challenge is levied to the judgment of conviction and order of sentence dated 13-6-2002 passed by Additional Sessions Judge, Sakti, Distt. Bilaspur in ST No. 241/2001 whereby and whereunder he convicted and sentenced the appellant as under :-

Offence u/S.	RI for	Fine Rs.	RI in default of payment of fine
498-A, IPC	2 Years	500/-	2 months
306, IPC	4 Years	500/-	2 months

Both the jail sentences are directed to run concurrently.

2. This is admitted by the appellant that deceased Santoshi Bai was his second wife. She was burnt by fire on 4-3-2001, subsequently she died.
3. In brief the prosecution story is that the second marriage was solemnized 3 years prior to the date of incident. After the marriage appellant was subjecting her with cruelty. During the treatment on 7-3-2001 deceased died. After completion of investigation, a charge sheet was filed against the appellant. The trial Court framed the charges against the appellant under Section 498-A and 306 of the Indian Penal Code (in brevity 'IPC'). After completion of trial, trial Court convicted and sentenced the appellant as aforesaid.
4. Counsel for the appellant Shri Yogeshwar Sharma argued that Trial Court has not appreciated the evidence in proper perspective. Thus, the conviction and sentences of the appellant are bad in eyes of law. Hence, appellant may be acquitted of the aforesaid charges.
5. Counsel for the State argued that the conviction and sentences of the appellant are based on clinching evidence. The conviction and sentences of the appellant do not call for any interference by this Court.
6. P.W.1 Kunwarlal says in para 1, 2 and 3, P.W. 2 Shyamlal, P.W. 4 Gel Lal, P.W. 5 Narayan say in para 2, P.W. 6 Khubalu say in para 2 and 3, P.W. 7 Ramayan, P.W. 10 Pilaki Bai say in para 2, P.W. 11 Chandram say in para 1 and 2, in their statements given on oath that the appellant was harassing the deceased with cruelty.

7. As per the true copy of Rujnamcha Sanha Ex. P-18 prosecutrix had lodged the report that appellant had beaten her.
8. There is no such evidence in record on the strength of which it can be said that aforesaid statements of P.W. 1 Kunwarlal , P.W. 2 Shyamlal, P.W. 4 Gel Lal, P.W. 5 Narayan , P.W. 6 Khubalu, P.W. 7 Ramayan, P.W. 10 Pilaki Bai, P.W. 11 Chandram, Ex. P-18 are not natural, not normal, not simple. Thus this Court believes on aforesaid statements of P.W. 1 Kunwarlal, P.W. 2 Shyamlal, P.W. 4 Gel Lal, P.W. 5 Narayan , P.W. 6 Khubalu, P.W. 7 Ramayan, P.W. 10 Pilaki Bai and P.W. 11 Chandram.
9. Looking to the aforesaid facts and circumstances, concerned admitted facts, this Court finds that prosecution has succeeded to prove the charges punishable under Sections 498-B and 306 of the IPC against the appellant.
10. Thus, this court finds that trial Court has not committed any illegality in convicting and sentencing the appellant as aforesaid. Hence, the appeal deserves to be dismissed. The appeal is accordingly dismissed. The conviction and sentences of the appellant are hereby affirmed.
11. As per the report received from the Central Jail, Bilaspur dated 11-10-2018, the appellant has been released on 27-12-2003 after getting the benefit of remission extended to him. Thus, no further order is required.

Sd/-
(Sharad Kumar Gupta)
Judge