

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 667 of 2018**

- State Of Chhattisgarh Through The Station House Officer, Police Station Ajk Ambikapur, District Surguja Chhattisgarh,

**---- Petitioner****Versus**

1. Suresh Kumar @ Sonu S/o Bhaiya Lal Sahu Aged About 23 Years R/o Village Biniya, Police Station Kunni, Police Station Lakhanpur, District Surguja Chhattisgarh
2. Bahiyalal Sahu S/o Ramgarib Sahu Aged About 48 Years R/o Village Biniya, Police Out Post Kunni, Police Station Lakhanpur, District Surguja Chhattisgarh.

**---- Respondents**


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For Petitioner/State : Ms. K. Tripti Rao, Panel Lawyer

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**Hon'ble Shri Justice Ram Prasanna Sharma**  
**Order on Board**

**24/8/2018**

1. Heard on I.A.No.1/2018, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down in State of Haryana Vs. Chandra Mani & Ors. (1996) 3 SCC 132, delay of 74 days in filing the petition is hereby condoned.
3. Also heard on the application for grant of leave to appeal filed under Section 378 (3) Cr.P.C.1973.
4. Respondent No.1-Suresh Kumar @ Sonu was charged for commission of offence under Section 306 I.P.C. and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989 (for short the SC/ST Act) and

respondent No.2- Bhaiyalal Sahu was charged for commission of offence under Section 506 Part II I.P.C. and Section 3(1)(x) of the SC/ST Act on account of suicide of one Pawaro Bai on 18.3.2015 and for threatening Dilbodh Majhwar, father of Pawaro Bai who was member of Scheduled Tribe. The matter was reported and investigated and after completion of trial, the trial Court has acquitted the respondents of the above charges.

5. To substantiate the charge, prosecution has examined as many as 15 witnesses.

6. Digar Sai (PW1), Asst. Sub Inspector, Rajesh Kumar Pandey (PW3), Sub Inspector, Agastu Toppo (PW4), Patwari, Pradeep Kumar Yadav (PW6), Asst. Sub Inspector, Rafiq Khan (PW7), Constable, Arvind Kumar Tiwari (PW8), Dr. Umesh Kumar Sahu (PW9) and D.S.P. AJK, Larang Ram (PW15) are the witnesses of investigation. Dr. I.D. Bhatnagar (PW10) is a person, who had conducted autopsy of the deceased and opined that the cause of death of Pawaro Bai is due to inhaling poisonous substance and nature of death is suicidal.

7. Dilbodh (PW2) did not depose anything against respondent No.1- Suresh Kumar @ Sonu regarding instigation to the deceased to commit suicide. He also did not depose regarding any threat by respondent No.2- Bhaiyalal Sahu. Smt. Dhondhi Bai (PW5) deposed that she is not aware as to what happened to Pawaro Bai. This witness was subjected to searching examination by leading questions by the prosecution, but nothing could be elicited in favour of the prosecution. Smt. Fulkunwar (PW11) also did not depose regarding commission of any offence. Mansai(PW13) is not aware of the fact as to why Pawaro Bai committed suicide. Nansai (PW14) has also deposed on the same line.

8. The basic ingredients of the offence in the present case are lacking and when there was no material incriminating against the respondent, the trial Court

had acquitted the respondents as above.

9. Looking to the evidence in its entirety, I am of the view that it is not a fit case to grant leave to appeal to the petitioner.

10. Accordingly, the application for grant of leave to appeal is rejected.

11. Consequently, the Cr.M.P. stands dismissed. Sd/

**(Ram Prasanna Sharma)**

Judge