

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1038 of 2008**

- Doctor Prasad S/o Ram Niwas, aged about 23 years R/o Village-Nariyara, PoliceStation-Jaijaipur, District-Janjgir-Champa, Chhattisgarh

---- Appellant**Versus**

- State of Chhattisgarh Through P.S. Jaijaipur, Distt.-Janjgir-Champa, Chhattisgarh

---- Respondent

For the Appellant : Mr. Dharmesh Srivastava, Advocate.

For the State/Respondent : Mr. Avinash Kumar Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Judgment on board

29/11/2018

1. This appeal has been preferred against the judgment of conviction and order of sentence dated 17.10.2008, passed by the Additional Session Judge, Sakti, District-Janjgir-Champa, Chhattisgarh, in Session Trial No.166/07, convicting the accused/appellant under Sections 498-A & 304-B of Indian Penal Code (for short 'IPC') and sentencing him to undergo RI for 3 years & fine of Rs.100/- and RI for 7 years & fine of Rs.200/-, with usual default clauses, respectively.
2. The prosecution case, in brief, is this that marriage of deceased Indu Bai was solemnized with appellant on 30.4.2006. It is alleged that while the deceased was residing in her matrimonial home she was

constantly tortured and treated with cruelty by the appellant for demand of dowry. Resultantly the deceased committed suicide on 15.11.2006 by consuming some poisonous substance. On this basis, the case of dowry death was registered against the appellants.

3. On completion of investigation, the charge sheet has been filed before the concerned Court. Charges under Sections 498-A & 304-B of IPC were framed against the appellant, he denied the same and sought for trial. Appellant was examined under Section 313 of CrPC in which he denied all the incriminating evidence appearing against him, pleaded innocence and false implication. No witness was examined by appellant in his defence.
4. It is submitted by counsel for the appellant that as per report received from the concerned jail authority, the appellant has already been released from jail after serving out the entire substantive sentence imposed upon him by the trial Court. Even then, it is submitted by learned counsel for the appellant that the trial Court failed to see that the ingredients of the offence under Sections 304B & 498A of IPC were not present in the case and as such the appellant could not be held guilty of the said offences. Hence, the appellant is entitled to be acquitted.
5. Learned counsel for the State has opposed the grounds raised in this appeal as also the arguments advanced by the counsel for the appellant. It is submitted that prosecution has proved its case beyond doubt. The judgment impugned passed by the trial Court is strictly in accordance with law and needs no interference by this Court in

exercise of its appellate jurisdiction. Hence, the appeal is liable to be dismissed.

6. I have heard learned counsel for the parties and perused the record of the trial Court including the impugned judgment.
7. After perusing and closely scrutinizing the entire evidence available on record, it is apparent that the trial Court elaborately considered the evidence of each individual material witness in detail and that being the position, this Court finds no infirmity or illegality in the reasons recorded and the conclusion arrived at by the trial Court that the appellant is guilty of the offence punishable under Sections 304B & 498A of IPC. Hence, this appeal has no substance, the same is liable to be dismissed and is hereby dismissed.
8. Since the appellant has already served the period of rigorous imprisonment to which he was sentenced, no further direction regarding his surrender etc. is needed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha