

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.793 of 2018**

The State of Chhattisgarh, Through Police station Dabhra, Distt.
Janjgir Champa (CG)

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

Sanjay Sidar, S/o. Bhogilal Sidar, aged about 20 years, R/o.
Village Kawlajhar, Police Station Dabhra, Distt. Janjgir Champa

---- **Respondent**

For the appellant/State : Shri Ramakant Pandey, Panel Lawyer
For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****31.8.2018.**

1. Heard on application for grant of leave to appeal under Section 378(3) of CrPC.
2. This appeal has been preferred against judgment of acquittal dated 15.01.2018 passed by Second Additional Sessions Judge, Sakti, Distt. Janjgir-Champa in Session Trial No.14/2016 wherein the said court acquitted the respondent for the charges of commission of offence under Section 306 of the Indian Penal Code for abetment of suicide to his wife Kirtan Bai.
3. Marriage of deceased Kirtan Bai was solemnized with the respondent 6-7 months prior to the date of incident. The date of incident is 11.11.2015 at 10.am. From the medical evidence, it is established that the deceased sustained burn injuries which resulted into her death. The place of incident is village Kawlajhar. Shankar Bai (PW-1) is the mother of the deceased and she is the resident of village Kachanda. She did not depose anything against the respondent during her examination in chief. Though

leading questions put to her by the prosecution that the respondent harassed the deceased, but from her entire evidence, it is not clear as to what happened on the date of incident or prior to the date of incident. If any altercation took place between the deceased and the respondent the same is not instigation for committing suicide. Ravi Singh (PW-2) assisted during investigation. Vishnu Kumar (PW-3) is a person whom the incident was informed. Kiran (PW-4) did not depose against the present respondent. Ramkumar Sidar (PW-5) assisted during prosecution. J.R. Satranj (PW-10) is the Tahsildar who recorded the dying declaration of the deceased. As per the dying declaration of the deceased, while she was cooking fire caught accidentally which caused burn injuries on her body. Thus, it is not a case of suicide but it was a case of accident.

4. Looking to the entire evidence adduced by the prosecution, factum of instigation or conspiracy or intentionally aiding to commit suicide is lacking. The trial Court has elaborately discussed the entire evidence and opined that it is not a case of abetment to commit suicide.

5. On overall assessment of evidence, this Court has no reason to interfere with the finding.

6. Accordingly, the application for grant of leave is rejected and consequently, the instant CrMP also stands dismissed.

SD/-
(Ram Prasanna Sharma)
JUDGE