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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1195 of 2018**

- State Of Chhattisgarh Through- Police Station Gandai, District- Rajnandgaon, Chhattisgarh.

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

- Arun Choure S/o Shri Lakhan Lal Choure, Aged about 38 years, R/o- Ward No. 8 Guru Ghasidas Para, Gandai, P.S. Gandai, District- Rajnandgaon, Chhattisgarh.

---- **Respondent**

For the Petitioner/State : Shri Sanjeev Pandey, Govt. Advocate
 For the respondents : None

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****24.9.2018.**

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 24.3.2018 passed by Additional Sessions Judge, Khairagarh, Distt. Rajnandgaon (CG) in Session Case No.16/2014 wherein the said Court acquitted the respondent for charges under Section 306 IPC for abatement of suicide of his wife namely Tuleshwari Bai on or before 01.12.2012 at village Gandai, Distt. Rajnandgaon.
3. To substantiate the charge, the prosecution has examined 12 witnesses. Kishore (PW-6) deposed that it is known to him regarding the quarrel between the deceased and the respondent, but from his statement it is not clear from which source he

received such information. In this way, his version is completely hearsay evidence and hear say evidence is not admissible as per law laid down by the Hon'ble Supreme Court in **Kalyan Kumar Gogoi vs. Ashutosh Agnihotri** reported in **(2011) 2 SCC 532**.

4. Apart from the evidence of Kishore, there is nothing on record to substantiate the charge. Evidence regarding instigation, conspiracy or intentionally aiding for commission of abatement is lacking, therefore, abatement as defined under Section 107 IPC is not established.

5. The trial Court has evaluated the evidence in its right perspective and this Court has not reason to substitute a contrary finding.

6. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-

(Ram Prasanna Sharma)
JUDGE