

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1604 of 2018

State Of Chhattisgarh Through- Station House Officer, Police Station
Ambagarh Chowki, District- Rajnandgaon, Chhattisgarh ---- **Petitioner**

Versus

Rahul Sinha S/o Jailal Singh Aged About 25 Years R/o- Ward No. 03, Bus
Stand Road, Ambagarh Chowki Police Station Ambagarh Chowki, District-
Rajnandgaon, Chhattisgarh. ---- **Respondent**

For State/Petitioner : Mr. Anil Pillai, Dy. A.G.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order on Board

26/11/2018

Heard on (I.A. No.1) application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration, the delay in filing application for grant of leave to appeal is condoned.

The application (I.A. No.1) is allowed.

Also heard on application for grant of leave to appeal.

1. Learned State counsel argued that the electronic evidence of exchange of messages and chatting between the deceased and the accused coupled with the reliable ocular evidence of Shrawan Dewangan (PW10) and Smt. Mamta Dewangan (PW15), the father and mother respectively of the deceased makes out a case of instigation which led to commission of suicide by the deceased Kumari Priyal by self-immolation. He would argue that it was because of threat given by the accused that the deceased had become afraid and in that mental state of mind, she took the extreme steps of committing suicide.

2. We have gone through the relevant contents of the messages led by the prosecution as the electronic evidence as also the evidence of parents of the deceased namely Shrawan Dewangan (PW10) and Smt. Mamta Dewangan

(PW15) the evidence of the prosecution the sum total of the evidence collected by the prosecution is that a day before the incident there was exchange of messages, in which, the accused had threatened the deceased that he could spoil her future and she having seen his affection should now be prepared to face the consequence of the enmity.

3. After having gone through the contents of the said evidence, we find that much only having been led as the evidence by the prosecution, certainly does not meet requirements of law to constitute an abetment as defined under Section 107 of IPC. The view taken by learned trial Court appears to be a plausible view and it cannot be said to be a case where the finding has been recorded perversely by ignoring any clinching material incriminating evidence or a case of acquittal despite ingredients of the commission of offence of abetment having been proved by the prosecution.

4. In the result, we do not find present to be a fit case for grant of leave to appeal. Therefore, the application for grant of leave to appeal is rejected.

5. Accordingly, CRMP is dismissed.

6. The records of the Court below be sent back forthwith.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge