

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 659 of 2015**

Manik Haldar S/o Subodh Haldar Aged About 28 Years R/o Village Indira
Avas Para, Thana Pakhanjore, District Uttar Bastar Kanker, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh S/o Through Police Station Pakhanjore, District Uttar
Bastar Kanker, Chhattisgarh.

---- Respondent

For the Appellant : Smt. Laxmin Tondey, Advocate.
For the Respondent/ State: Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Judgment on Board

13.12.2018

1. This appeal has been preferred against the judgment of conviction and order of sentence dated 30.4.2015 passed by the Learned Additional Sessions Judge (FTC), Uttar Bastar Kanker, Chhattisgarh in Sessions Case No.54 of 2013, whereby and whereunder, the learned Additional Sessions Judge has convicted the appellant under Sections 304B and 498A of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 7 years and 2 years and to pay fine of Rs.500 and Rs.300/-, in default of payment of fine, to further undergo RI for 3 months and 2 months, respectively with a direction to run both the sentences concurrently.

2. Conviction is impugned on the ground that without there being any iota of evidence, the trial Court has convicted and sentenced the appellant as aforementioned and thereby committed illegality.

3. The case of the prosecution, in brief, is that deceased – Sushmita got married to the appellant in the year 2010. Sushmita was admitted in the hospital at Pakhanjore because she had suffered some burn injuries. She was referred for further treatment to Sector-9 Hospital, Bhilai. Information Ex.P/9 was received from Sector-9 Hospital at Bhilai in police station Kotwali regarding death of the deceased on 21.6.2012. The merg intimation Ex.P/12 was recorded. In the merg enquiry, it was found that the appellant/ her husband used to make demand of motorcycle and cash in dowry and torture the deceased soon before her death because of which, the deceased immolated herself which has resulted in her death. FIR was lodged. After completion of investigation, the charge-sheet was filed before the concerned Court.

4. During trial, the Court below framed the charges against the appellant under Sections 304B and 498A of the Indian Penal Code. The prosecution examined 16 witnesses to prove the guilt of the appellant. Two witnesses were examined in defence. Statements of the appellant were recorded under Section 313 of the Cr.P.C. wherein the appellant denied the circumstances appearing against him and pleaded innocence and false implication in the crime in question.

5. After affording opportunity of hearing to both the parties, learned trial Judge convicted and sentenced the appellant as aforementioned.

6. I have heard learned counsel for the parties, perused the judgment impugned and records of the Court below.

7. Learned counsel appearing on behalf of the appellant submits that the conviction against the appellant is bad in law and without any substance. It is also submitted that the appellant has already completed the sentence of imprisonment on 8.9.2018. Hence, it is prayed that the appeal may be allowed.

8. Per contra, learned counsel for the Respondent/ State opposed the grounds raised in the appeal and submissions. It is submitted that the prosecution has proved its case beyond reasonable doubt and there is no scope to interfere in the impugned judgment. Hence, no case is made out for acquittal of the appellant.

9. In order to appreciate the arguments advanced on behalf of the parties, I have perused the evidence adduced by the prosecution.

10. Perused the evidence of all the witnesses present on record of the trial Court. After closely examining and scrutinizing all the evidence on record of the trial Court, I am of the opinion that the trial Court has not committed any error in coming to this conclusion that the appellant has committed the aforesaid offences and has rightly convicted him. Hence, no interference is called for in this appeal.

11. Accordingly, the appeal is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge