

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 590 of 2017

State of Chhattisgarh Through Police Station Raghunathnagar,
District Balrampur- Ramanujganj, Chhattisgarh. **--- Petitioner**

Versus

Sanskrit Prasad @ Guddu S/o Jeet Lal Prasad Aged About 32 Years
Permanent Address- Village Kesari, Police Station- Raghunathnagar,
Present Address- Wadrafnagar , Police Station- Raghunathnagar,
District- Balrampur- Ramanujganj, Chhattisgarh **--- Respondent**

For the State	:	Mr. Ashish Shukla, Dy. A.G.
For the Respondent	:	Mr. Arvind Sinha, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.01.2018

1. Heard on application for condonation of delay in filing the leave to appeal. There is delay of 42 days in filing the appeal/ application. Considering the submission made, the delay in filing 42 days is condoned.
2. The instant leave to appeal is against the order dated 22.12.2016 passed by the Additional Sessions Judge, Ramanujganj in Sessions Trial No. 9/2016 whereby the respondent accused has been acquitted of the charges u/s 306 of IPC.
3. As per the prosecution case, deceased Sarita was in love relation with respondent and started living with him before 4-5 months of the incidence. On 28.08.2015 the doors of the room was closed and it was found that Sarita has committed suicide by hanging. After investigation, the police has filed the charge sheet against the respondent on the ground that the respondent who was earlier married has enticed the deceased and kept her separately and thereafter in order to

perform marriage he demanded certain amount from the father and mother of the deceased. Consequently, she being unhappy with respondent committed suicide.

4. Learned State counsel would submit that the perusal of the statements of PW-1 Rampyare and PW-2 Rupani who were father and mother of deceased would show that the deceased was subjected to abatement by the present applicant therefore, she committed suicide and the finding arrived at by the trial court is completely wrong which needs to be set aside.
5. Perused the judgment of the court below. It is not in dispute that as per the postmortem report Ex. P-10/A that deceased Sarita committed suicide by hanging. The defence raised by the accused is that when her marriage was fixed, she eloped with the accused and they started living separately and when she had gone to maternal house to tie Rakhi to her brother, the brother refused her to tie rakhi and the family members stated that she was presumed to be dead for them. Therefore, she was mentally disturbed and eventually committed suicide.
6. As per the statement of PW-1 Ram Pyare, the father of deceased, his daughter Sarita eloped with the respondent and she was kept in village Kesari. Thereafter in order to perform the marriage, the accused demanded motor cycle, cash of Rs. 10,000/- and the land. The witness further stated that the respondent did not keep the deceased comfortably and used to torture, consequently, she committed suicide. The statement of PW-1 father would further show that the deceased daughter eloped with the accused the accused

stated that he was inculpated in false case and certain difference arose between the deceased and the respondent accused. The statement further shows that when the deceased went to the house of accused, some quarrel took place between the deceased and the earlier wife but she refused to move away from the house of respondent/accused. The father also admitted the fact that the deceased daughter had herself gone to the house of accused, therefore they were annoyed with her. The father further admitted that they advised their daughter that since she eloped from the house, she was advised not to come to their house.

7. PW-2 Rupani who is mother of deceased has also made similar statement and she has made omnibus allegations that the deceased was subject to abuses and scolding. She has further stated that during Raksha Bandhan when the daughter came to their house at that time some altercation took place. The independent witness Pradeep (PW-7) has stated that the deceased was kept well by the accused, but the accusation has been made on the brother of the deceased and the family members that when she came to the house, she was stopped. The witness has stated that the deceased was advised not to come to their house as she was presumed to be dead.
8. Considering the statement of the entire witnesses on the record, I do not find that any misreading of the evidence has been made by the trial court. Further the evidence do not show as to how the abatement was caused by the respondent accused whereby the deceased committed suicide. Considering the evidence and in view of what has

been discussed above, I am of the opinion that no fresh appreciation of facts and evidence is required. Consequently, there is no merit in the appeal.

9. For the foregoing reasons, I am not inclined to interfere in order of acquittal. Accordingly, the petition seeking leave to appeal is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**