

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 766 of 2017

Vishram Prasad Saket, Aged About 62 Years, S/o Avseri Saket, R/o Udiyapara, Santoshi Nagar, Raipur, Police Station Tikrapara, District Raipur, Chhattisgarh.

---- Appellant

Versus

1.Sunita Saket W/o Bal Krishna Saket, Aged About 24 Years Near Veterinary Hospital, Mauganj, District Rewa, Madhya Pradesh.

2.Lalta Saket D/o Ram Khelawan Saket, Aged About 27 Years, Mauganj, District Riwa, Madhya Pradesh.

3.Kusumkali Saket W/o Ram Khelwan Saket, Mauganj, District Riwa, Madhya Pradesh.

4.Ramkhelawan Saket S/o Ram Lautan Saket, Mauganj, District Riwa, Madhya Pradesh.

5.Baijnath Saket, S/o Shankar Saket Aged About 55 Years, Mauganj, District Riwa, Madhya Pradesh.

All are now R/o Udiyapara, Santoshi Nagar, Raipur, Police Station Tikrapara, District Raipur, Chhattisgarh.

6.State Of Chhattisgarh, Through The Police Station Tikrapara, District Raipur, Chhattisgarh.

---- Respondents

For appellant –Shri C.R. Sahu, Advocate.
For State- Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

09/04/2018

1. Heard on application for grant of leave to appeal.
2. Instant petition is against the order dated 18/04/2017 passed by the JMFC, Raipur in Criminal Complaint Case No.4715/2007 whereby complaint preferred by the petitioner under section 380/34 of IPC was dismissed.
3. Brief facts of this case are that, complaint was preferred by the petitioner that on 2/12/2005 respondent No.1 who is daughter-in-law in connivance with the relatives who are respondents No.2 to 5 entered into the house and has stolen gold necklace of 35 gms, gold mangalsutra of 8

gms, gold ear rings of 8 gms and other silver and gold ornaments total worth Rs.39362/-.

4. Complainant on his behalf had examined himself as PW-1, PW-2 Lachhi Deep and PW-3 D.P. Sharma. It was stated by the complainant that Sunita daughter-in-law and others were relatives, in the month of december, 2005 they had stolen gold and silver ornaments and went away to their house at Rewa. In the cross-examination witness has stated that daughter-in-law had made a report under section 498-A IPC and other cases and after such report when police also visited the house he had not disclosed anything about such theft. Statement of PW-2 Lachhi Deep shows he only stated about some abuse and omnibus statement have been made that gold and silver ornaments were taken away. The entire evidence of the witnesses if are evaluated do not disclose the fact that complainant was able to establish the fact that ornaments were taken away by the respondents. It was only on presumption complaint was filed. Considering the statement of the witnesses, this court is not inclined to re-appreciate the same, thereby application for grant of leave to appeal has no merit and accordingly the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE