

IN THE HIGH COURT OF JUDICATURE AT PATNA
SLA No.45 of 2019

Arising Out of PS. Case No.-753 Year-2007 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

Bihari Sahni, Son of Sri Hansdeo Sahni, Resident of Village - Hasanpur
Mathia, P.S.- Sidhwalia, District- Gopalganj, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Awadhesh Sahni, Son of Late Ram Sakal Sahni, Resident of Village - Jogia,
P.S.- Harsidhi, District- East Champaran, Motihari

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Awadhesh Kumar Mishra, Advocate. Mr. Ajay Kumar, Advocate. Ms. Rita Rai, Advocate.
For the State	:	Mr. Bipin Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT
Date : 26-09-2019

Heard learned counsel for the appellant and the
learned counsel for the State.

2. This application, under Section 378(4) of the Code of Criminal Procedure, has been filed seeking leave to appeal against the Judgment dated 06.05.2019 passed in Sessions Trial No. 355 of 2009/CIS No. 5445 of 2016 arising out of Complaint Case No. 753 of 2007, whereby and whereunder, the learned 6th Additional Sessions Judge, Motihari, acquitted the respondent no. 2, Awadhesh Sahni, to the charges framed under Sections 304(B) and 201 of the Indian Penal Code.



3. The facts leading to this Special Leave to Appeal is that appellant, Bihari Sahni, filed the Complaint Case No. 1623 of 2006 in the court of Chief Judicial Magistrate, Motihari, on 01.09.2006 stating therein that the marriage of his sister, Mira Devi, was solemnized with Awadhesh Sahni (respondent no.2) on 12.05.2003 and at the time of marriage of his sister, cash and ornaments, worth of Rs.1,00,000/- was given. After marriage, his sister, Mira Devi, taken in *Bidai* at her *Sasural* but thereafter, she was being tortured due to non-fulfillment of motorcycle, on which, his sister, Mira Devi, expressed inability of her parents to fulfill the demand due to bad economic position, but in spite of that, she was being tortured by her husband and in-laws. In the meantime, she blessed with a baby, who also died due to ill treatment. He went at the Sasural of his sister then he saw his sister in ill health. When he made complaint to her husband and in-laws of his sister then he was abused then he returned to his house. On 27.08.2006, he along with his father and uncle went at the Sasural village of his sister then found that the house was locked and on query, neighbour disclosed that his sister, Mira Devi, was killed and her dead body was disposed of. The aforesaid complaint petition was sent to the concerned Police Station and accordingly, Harsidhi P.S. Case No. 164 of 2006 was instituted on 24.09.2006 under Sections



304(B) and 201/34 of the Indian Penal Code. After investigation, the police submitted final form in the court of Chief Judicial Magistrate, East Champaran, Motihari. Thereafter, the protest petition filed by the complainant treated as Complaint Case No. 753 of 2007 and after inquiry, summon was issued to the respondent no. 2, Awadhesh Sahni and the case was committed to the court of Sessions numbered as Sessions Trial No 355 of 2009.

4. In support of its case, the prosecution examined, altogether, four witnesses including the complainant himself as P.W.4. The defence also examined Dr. Pravez Aziz, as D.W.1 to the effect that deceased Mira Devi was ill and died due to illness.

5. P.W.1, Lachhandeo Sahni in his evidence has stated that prior to marriage and after marriage, there was no dispute in respect to demand of dowry. He, further, stated that deceased, Mira Devi, was doing the job in Anganbari at the instance of her in-laws and she was also under treatment and she was also taken at Patna for better treatment. P.W. 2, Gama Sahni, who is cousin brother of the deceased has stated in his evidence in paragraph 6 that he saw the dead body of the deceased but no any external injury was found and at that time, no information was given regarding the death of Mira Devi.



6. Learned 6th Additional Sessions Judge, East Champaran at Motihari, has discussed the evidence in detailed and arrived at conclusion that prosecution has not been able to prove its case beyond shadow of reasonable doubts and, accordingly, acquitted the accused-respondent no.2 to the charges under Sections 304(B) and 201 of the Indian Penal Code.

7. I find no any illegality in the impugned Judgment and order dated 06.05.2019 passed in Sessions Trial No. 355 of 2009/CIS No. 5445 of 2016 arising out of Complaint Case No. 753 of 2007 to allow the present Special Leave to Appeal and accordingly, this S.L.A. stands dismissed.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	28.09.2019
Transmission Date	28.09.2019

