

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No. 182 of 2010**

- The State Of Chhattisgarh, Through District Magistrate, Durg (CG)

---- Petitioner**Versus**

1. Sunil Sao, S/o Late Sadanlal Sao, Aged about 26 years,
2. Surendra Sao @ Bablu, S/o Late Sadanlal Sao, Aged about 33 years,
3. Geetadevi Sao, W/o Late Sadanlal Sao, Aged about 60 years,
4. Rekhadevi, W/o Surendrakumar Sao @ Bablu, Aged about 32 years,

All are R/o Near Kabir Mandir, Labour Colony, Khursipar, Zone-3

---- Respondent

For Petitioner/State

Ms. Fouzia Mirza, Additional Advocate General

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &

Hon'ble Mr. Justice Gautam Chourdiya

Order On Board by Prashant Kumar Mishra, J.

15/11/2019

1. Heard.
2. This acquittal appeal is directed against the judgment rendered by the trial Court acquitting the accused of the charges under Sections 498-A/34, 304-B/34 & 306/34 of IPC.

3. Deceased Sunita Devi was married with accused No.1 Sunil Sao in the year 2004. She committed suicide by setting herself ablaze at about 20:30 hours on 17.3.2008. It is alleged that accused No.1 Sunil Sao and other accused persons, who were relatives of the husband, used to demand dowry in form of cash, gold chain and Rs.1.5 lakh. It is also alleged that accused Sunil Sao had illicit relations with his sister-in-law (*bhabhi*) Rekha, therefore, on account of this cruelty, the deceased committed suicide.
4. We have heard learned State Counsel and perused the entire record.
5. There is no allegation of demand of dowry at the time of marriage. Demand of gold chain, even if taken to be true, was prior to more than a year from the date of the incident, as stated by PW-5 Rajaram Sao. Demand of Rs.1.5 lakh was in connection with opening of tyre shop, which does not come within the purview of dowry. PW-2 Smt. Sanju Devi, who is sister-in-law (*bhabhi*) of the deceased, has stated that whenever the deceased used to visit her parental house, she used to inform about the illicit relations between her husband and Rekha. However, neither the deceased nor this witness ever informed about this fact to the family members of her husband or family members of the deceased.
6. There may be reasons for committing suicide by the deceased but there does not appear to be any clinching conclusive

evidence about demand of dowry.

7. In the absence of any evidence about the immediate reason for commission of suicide or any over act committed by any of the accused/respondents abetting the deceased to commit suicide, offence under Section 306 of IPC is also not made out.
8. Considering the evidence on record, the view taken by the trial Court does not appear to be perverse.
9. The acquittal appeal has no substance, it deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Shyna