

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRR No. 82 of 2008

- Rajendra Prasad Sahu S/o Ratan Lal Sahu, aged about 43 years, Occupation Hotel Business R/o Gandhi Maidan, Gariyaband, District Raipur (CG)

---- **Petitioner****Versus**

1. State Of Chhattisgarh through P.S. Gariyaband, District Raipur (CG)
2. Praveen Yadav S/o Bahadur Yadav, aged about 36 years, R/o Near Bajrang Mandir, Gariyaband, District Raipur (CG)

---- **Respondent**

For Petitioner	Mr. Rahil Arun Kochar, Advocate
For Respondent/State	Ms. Madhunisha Singh, Panel Lawyer
For Respondent No.2	Ms. Pragya Pandey, Advocate on behalf of Mr. Prateek Sharma, Advocate

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board by Prashant Kumar Mishra, J.****22/11/2019**

1. Heard.
2. This Criminal Revision is directed against the judgment rendered by the trial Court, whereby, accused/respondent No.2 Praveen Yadav has been acquitted of the charge under Section

304-B of IPC and convicted in alternative under Section 498-A of IPC and sentenced to undergo RI for 3 months and pay fine of Rs.5000/- with usual default sentence.

3. The applicant is the brother of deceased Sapna, who set herself ablaze in her marital house on 1.12.2005 and later on succumbed to the injuries and died at a hospital at Raipur on 4.12.2005.
4. Admittedly, the incident occurred after 13 years of marriage with accused Praveen Yadav, which is also evident from the statement of the applicant himself, who has been examined as PW-1, therefore, an offence under Section 304-B of IPC is not attracted. Alternative charge under Section 306 of IPC was not framed against the accused.
5. Considering the evidence, the trial Court has convicted the accused/respondent No.2 for committing offence under Section 498-A of IPC and has sentenced him to undergo RI for 3 months and to pay fine of Rs.5000/-. There is no prayer in this Revision Application for enhancement of sentence.
6. Even if for the sake of argument, the material available in the record is considered to examine whether an offence under Section 306 of IPC is made out against respondent No.2, we would find that there is no such admissible evidence, which may constitute the necessary ingredients amounting to abetment to commit suicide. There is nothing in the record to establish that

immediately before the deceased set herself ablaze, the accused did any such overt act, which may amount to abetting suicide.

7. In view of the above discussion, there is no substance in the Revision, it fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Shyna