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HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 36 of 2008**

- Dhani Ram Sahu, aged about 56 years, son of Shri Sonu Ram Sahu, resident of Chhattisgarh Nagar, In front of Sanju Kirana Shop, Police Station Tikrapara, Raipur, District Raipur (CG)

---- Petitioner**Versus**

- Rajendra Kumar Sahu S/o late Chhabi Lal Sahu, aged about 36 years, occupation Teacher, present address Arvind Nagar, Sarkanda, P.S. Sarkanda, District Bilaspur, permanent resident of village Kharoda, P.S. Shivrinarayan District Janjgir-Champa (CG)
- State of Chhattisgarh, Through PS Sarkanda, District Bilaspur (CG)

---- Respondent

For Petitioner	Mr. Kalyan Kalamkar, Advocate
For Respondent /State	Ms. Madhunisha Singh, Panel Lawyer

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 acquitting the accused/respondent

Rajendra Kumar Sahu of the charges under Sections 306 and 304-B of IPC.

3. Deceased Poonam was married with respondent Rajendra Kumar Sahu on 11.6.2003. She committed suicide by setting herself ablaze on 4.5.2006. She succumbed to the injuries and died at MMI Hospital, Raipur on 10.5.2006. There is clear evidence on record that the demand of Rs. 2 lakhs was for construction of a house over the plot owned by the accused family. There are other amounts given by the parents of the deceased to Rajendra Kumar Sahu, but on all occasions, the payments were made for helping him in different ways and not in the form of dowry. Thus, there is absence of evidence regarding demand of dowry.
4. In so far as offence under Section 306 of IPC is concerned, evidence of PW-7 Ramtahal Sahu, landlord in whose house respondent Rajendra Kumar Sahu and deceased Poonam were residing, has clearly deposed that at the time of the incident, he and Rajendra were sitting together and at that time, the deceased reached there in a fit of anger and started beating Rajendra and thereafter, she went back and committed suicide. This witness as well as PW-4 Vidyanand Patel have stated that respondent Rajendra Kumar Sahu tried to save the deceased by dowsing the fire. Except for PW-3 Smt Milan Sahu, no other witness has stated that respondent Rajendra Kumar Sahu handed over the match box to the deceased for igniting.

5. In view of the above evidence on record as to the effect that ingredients of both the offences are not made out, the trial Court has rightly acquitted the accused.
6. There is no substance in the revision, it fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

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