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HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 291 of 2008**

- Chhedilal Suryawanshi, S/o Fulchand Suryawanshi, aged about 67 years, R/o Village Jalsa, P.S. Koni, District Bilaspur (CG)

---- Applicant

Versus

1. Chedilal, S/o Mitthulal Suryawanshi, aged about 55 years,
2. Doojram @ Master, S/o Chhedilal Suryawanshi, aged about 38 years,
3. Ramsanehi, S/o Chhedilal Suryawanshi, aged about 25 years,
4. Narmda Bai, W/o Doojram Suryawanshi, aged about 30 years,
5. Jamuna Bai, W/o Chhedilal Suryawanshi, aged about 55 years,

All resident of Village Mohara, PS Seepat, District Bilaspur (CG)

6. State of Chhattisgarh, through PS Seepat, District Bilaspur (CG)

---- Respondent

For Applicant : Shri Basant Kaiwartya, Advocate.
For Respondents 1 to 5 : Shri Tarkeshwar Nande, Advocate.
For Respondent/State : Shri Pawan Kesharwani, Panel Lawyer.

**Hon'ble Shri Prashant Kumar Mishra &
Hon'ble Shri Gautam Chourdiya, JJ**

Order On Board By Prashant Kumar Mishra, J**22/11/2019 :**

1. This revision application is directed against the judgment of acquittal rendered by the trial Court acquitting the accused of the charges under Sections 302 read with Section 120-B of the IPC, in the alternative under Section 304-B of the IPC.
2. The deceased was married with respondent No.3 Ramsanehi in

June, 2005. She suffered burn injuries on 13.10.2007 and died on 15.10.2007.

3. In the statements of prosecution witnesses, there is no allegation of demand of any particular item or cash as dowry. The allegation of commission of crime for demand of dowry is general, omnibus and vague. The witnesses would state that the deceased was ill-treated for dowry without specifying any further.
4. The dying declaration (Ex.-P/9) has been disbelieved by the trial Court. We have seen the dying declaration as well as deposition of (PW-8) Dr. S.K. Dutta, (PW-10) Dr. Rohit Agrawal, (PW-11) Dr. D.K. Sao and (PW-12) Dr. V.K. Verma. Dr. Dutta and Dr. Verma have stated that there is no sign of tying legs of the deceased before setting her on fire, even though story as it comes in the dying declaration is that she was tied and thereafter set on fire.
5. More importantly, her father (PW-4) Chhedilal Suiryawanshi, (PW-3) Saroj Kumar Patel and (PW-2) Munshiram have clearly admitted that the deceased was schizophrenic and used to talk irrelevantly when attack of mental schizophrenia used to occur. If such was her mental state, even when she was fit, it is very risky and unsafe to rely on dying declaration by a person who used to become unsound at regular intervals.
6. In our considered opinion, the finding recorded by the trial Court while acquitting the accused giving them benefit of doubt does not call for any interference.
7. The Revision Application is therefore liable to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge