

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 362 of 2019**

- State Of Chhattisgarh Through Police Station Nandini Nagar, District Durg Chhattisgarh

---- Petitioner**Versus**

- Ramkumar Sahu S/o Koushal Sahu Aged About 25 Years R/o Village Dhour, Police Station Nandini, District Durg Chhattisgarh

---- Respondent

For Petitioner/State : Shri Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Rajani Dubey****Order On Board****29/03/2019**

Heard on I.A.No.1/19, application for condonation of delay in filing appeal.

Upon due consideration, the application is allowed.

Delay is condoned.

Heard on prayer for grant of leave to appeal.

Learned State counsel argued that in the present case, though the wife of respondent – Ramkumar died and the evidence has come that she committed suicide, learned Trial Court acquitted the respondent of all the charges despite there being evidence of Durgeshwari Sahu (PW6) that the respondent had been harassing the deceased and therefore, atleast a case of commission of offence under Section 498-A IPC would be made out.

We have gone through the judgment of acquittal and material on record and we find that even according to the prosecution, post mortem report and the evidence of the doctor, it is a case of commission of suicide.

Evidence of Durgeshwari Sahu (PW6) only shows that the respondent /

husband was engaged in recording mobile calls when the deceased used to call her mother and there is allegation of she being subjected to harassment. The evidence, however, even if taken as it is, is not as such to make out a case of commission of offence under Section 304 -B IPC and there is no evidence of deceased having been subjected to cruelty in connection with demand of dowry soon before her death.

We also notice that the appellant had remained in jail for 283 days until he was acquitted of the charges. Therefore, we are not inclined to grant leave to appeal in the present case. The application for grant of leave to appeal is therefore rejected.

The present CrMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge