

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 2453 of 2000

Malik Ram Sahu, S/o. Radhe Shyam Sahu, aged about 30 years, R/o. Village Narayanpur, Police Station Nandghat, District Durg, M.P.

---- Appellant

Versus

State of Madhya Pradesh, through Police Station Nandghat, District Durg, MP.

---- Respondent

For Appellant : Shri Shobhit Koshta, Advocate

For State/Respondent : Ms. Shirya Mishra, PL

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

25/09/2019

Allegation against the accused/appellant herein is that just 4–5 months after marriage he along with his family members started putting his wife to cruelty for demand of cash of Rs. 15,000/- and when the demand could not be fulfilled, they aggravated their cruel act towards her. The complainant was even sent to her parents' house saying that they would keep her with them only after their demand for Rs. 15,000/- is fulfilled. It is also alleged that on the date of incident when she was cooking food, the accused/appellant pushed her on fire as a result of which she suffered injury on her thigh. She received medical treatment at Bilaspur and thereafter at Bhatapara and then the report came to be lodged on 18.03.1993. Completion of investigation resulted in filing of charge-sheet against co-accused under Section 498-A IPC whereas against the present appellant under Sections 498-A and 307 IPC. Charge was also framed accordingly.

2. Learned Court below vide judgment impugned dated 20.09.2000 passed in Sessions Trial No. 445/93 acquitted the present appellant under Section 307 and others under Section 498-A IPC but the accused/appellant herein was held guilty under Section 498-A IPC and

sentenced to undergo RI for three years with fine of Rs. 1,000/-, plus default stipulation. Hence this appeal.

3. Counsel for the accused/appellant submits that the judgment impugned convicting the accused/appellant under Section 498-A IPC is not based on proper appreciation of the evidence of the witnesses and, therefore, is liable to be set aside particularly, when the co-accused persons against whom also the similar allegation were made, have already been acquitted. State counsel however supports the judgment impugned and holds it to be in accordance with law.

4. Evidence of injured (PW-1) clearly goes to show that just 4–5 months after marriage the accused/appellant started raising demand of Rs. 15,000/- and many a time she was even sent to her parental house for non fulfillment of demand. According to her, on the date of incident while she was cooking food, the accused/appellant dashed her in the burning oven, as a result of which she suffered burn injuries on her right thigh and the sari worn by her was also burnt. She has also stated that as she was threatened of dire consequences in case she disclosed the incident to anyone and for that she could not lodge the report immediately and only after reaching her parent's house she made disclosure to them which led to lodgment of the report by her. Her mother (PW-2) and father (PW-6) have fully corroborated the version put forth by the victim stating that the accused/appellant used to harass their daughter for non fulfillment of the demand of cash of Rs. 15,000/- raised by her. They have also stated that when asked about the reason of her burn, she disclosed to them that on account of being pushed by the accused/appellant into the fire, she suffered burn injuries. First she was medically treated at Bilaspur and thereafter her parents took her to their house and got her admitted in the Bhatapara hospital. Dr. S. M. Tripathi (PW-11) has also stated that he examined injured and found burn injuries on her right thigh and buttock vide report Ex. P-12. Statements of other witnesses including the

investigating officer also corroborated the version of the injured. Thus there is sufficient evidence to hold that the injured was subjected to cruelty by her husband (the appellant herein) for demand of Rs. 15,000/- and on many occasions they even left her at her maternal house imposing a condition that they would keep her only after she gets Rs. 15,000/- from her parents, and being so his conviction under Section 498-A IPC is fully justified.

5. As regards sentence, keeping in mind the fact that the incident had taken place in the year 1993 and that the accused/appellant has already faced a long drawn prosecution and spent about one and a half months in jail, no useful purpose is going to be served in again sending him behind the bars and, therefore, his sentence is reduced to the period already undergone by enhancing the fine sentence to Rs. 4,000/- from that of Rs. 1,000/- imposed by the Court below. This order would be available to the accused only after the deposited as directed is made in the Court below.

6. Appeal thus allowed in part.

Sd/-

(Vimla Singh Kapoor)
Judge