

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 463 of 2018

- The State Of Chhattisgarh, Through Police Station Pamgarh, District Janjgir Champa, Chhattisgarh

---- Petitioner

Versus

1. Shanti Kumar, S/o Panchuram Dighraskar, Aged About 33 Years
2. Panchuram, S/o Late Firuram Dighraskar, Aged About 76 Years
3. Nanki Noni, W/o Panchuram Suryawanshi, Aged About 70 Years

All R/o Village Kutara, Police Station Pamgarh, District Janjgir Champa, Chhattisgarh

---- Respondents

For Applicant

Shri Pawan Kesharwani, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Prashant Kumar Mishra J.

24/09/2019

1. The Trial Court has acquitted the accused of the charges under Section 304-B/34 of IPC, in alternative Section 302/34 of IPC.
2. Respondent No.1 Shanti Kumar was married with the deceased Shashi Kiran in the year 2010. Respondent No.2 Panchuram, aged about 76 years, and respondent No.3 Nanki Noni, aged about 70 years, are the father-in-law and mother-in-law, respectively, of the deceased. The deceased Shashi Kiran committed suicide by hanging in her matrimonial house on 03.07.2016. During merg enquiry, statement of respondent No.1

was recorded, wherein he informed the Police that there was no dispute between the parties, however, deceased's father Rikhi Ram informed the Police that the deceased was ill treated by her husband and in-laws. He also stated that there was demand of colour TV, motorcycle and fridge.

3. In his court statement also, PW-1 Rikhi Ram made the allegation that respondents used to ill treat the deceased for satisfying demand of motorcycle, colour TV and fridge. This happened in the year 2015 i.e. after about 5 years of marriage. In the meanwhile, the deceased gave birth to three children, out of whom one did not survive. There is no express allegation of demand of cash or any other article soon before the death. Even if the demand raised on 26.06.2015 is construed as demand of dowry, for the sake of argument, the same did not happen soon before the death. A reading of Article-1, which is an *Ikrarnama* executed between the husband and wife, would disclose that they had agreed to patch up their differences. While the deceased agreed to pay respect to her in-laws, the respondent No.1 also agreed that he will not ill treat the deceased. Very importantly, there is no mention of demand of dowry in this document.
4. A collective reading of the statement of PW-1 Rikhi Ram, PW-4 Rajkumar Kashyap (neighbor) and other material available would make us to form an opinion that there was dispute between the respondents on one side and the deceased on the other side, but the allegation of demand of dowry is very feeble and that too without there being any evidence of any such demand in close

proximity to the date of commission of suicide.

5. The Trial Judge has rightly given importance to the contents of Article-1 to hold that the present does not appear to be a case of dowry death.
6. Since the view taken by the Trial Court is based on proper marshaling of evidence and the findings are not found to be perverse, we are not inclined to grant leave to appeal against acquittal.
7. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala