

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 479 of 2018

- State Of Chhattisgarh, Through The Incharge Police Station Ghumka, District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

1. Santosh Kumar Kurre, S/o Samay Lal Kurre, Aged About 25 Years, R/o Village Devada Police Station Ghumka, District Rajnandgaon, Chhattisgarh
2. Smt. Kamla Bai Kurre, W/o Samay Lal Kurre, Aged About 50 Years, R/o Village Devada, Police Station Ghumka, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant

Shri Vikas Shrivastava, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Prashant Kumar Mishra J.

25/09/2019

1. On due consideration, delay of 77 days in filing the CRMP is condoned. Accordingly, IA No.1/2018 is allowed.
2. Learned Trial Court has acquitted the accused of the charges under Section 304-B/34 of IPC, in alternative Section 302/34 of IPC.
3. The deceased Uttara Bai, a deaf and dumb girl, was married with respondent No.1 Santosh Kumar Kurre about 3 years prior to death on 04.11.2015. In the charge sheet, there was allegation of commission of cruelty for demand of dowry in form of demand of

Rs.50,000/- for purchasing a motorcycle. However, the witnesses have stated that the said demand was made because the respondent No.1 being in a private job as a driver was required to go to Durg and for that he needed a motorcycle to commute. It is thus clear that demand of Rs.50,000/- was not connected with marriage. Such demand does not constitute demand of dowry.

4. There is no allegation of demand of any other nature either in cash or any kind connected with the marriage of the deceased with the respondent No.1.
5. No case for grant of leave to appeal against acquittal is made out.
6. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala