

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No. 232 of 2010**

- The State Of Chhattisgarh

---- Petitioner

Versus

- Hetram Patel, aged about 27 years, S/o Halayudh Patel, R/o Village Hirri, Tahsil Sarangarh, District Raigarh (Chhattisgarh)

---- Respondent

For Petitioner/StateMs. Madhunisha Singh, Panel Lawyer

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board by Prashant Kumar Mishra, J.****15/11/2019**

1. Heard.
2. This acquittal appeal is directed against the judgment rendered by the trial Court acquitting the accused of the charge under Section 304(B) of IPC.
3. Deceased Rupabai was married with the accused/respondent about 3 years prior to the date of the incident. As per the statement of the father of the deceased PW-1 Chhabilal, there was no dispute for a period of one year after the marriage but thereafter the accused started demanding TV, Motorcycle and

Cooler. However, in para 5 of the statement of this witness, he states that the accused is *Gotia* of the village, whereas, he belongs to a very poor family. Similarly, PW-2 Janwati, mother of the deceased, would also state that the accused is *Gotia* having huge properties, whereas, they own only one acre of land. She would also state that the accused has never raised any demand to the deceased in her presence. She further states that none of the villagers of the village, where the accused resides, have ever informed them about any demand of dowry. Likewise, PW-1 Chhabilal also admits in para 6 of his deposition that his son-in-law i.e. the accused has never demanded any Motorcycle, Cooler or TV. PW-2 Janmati also admits that the accused as well as the deceased were aware of their financial position. She further admits in para 10 of her statement that the accused has never demanded TV, Motorcycle or Cooler either prior or at the time of the incident.

4. Considering the above evidence on record, the finding in support of the judgment of acquittal recorded by the trial Court does not call for any interference.
5. The acquittal appeal has not substance, it deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

