

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 373 of 2012

Jitendra Khare S/o Panchram Khare, Aged about 28 years R/o Village Kutra
P.S. Pamgarh, District Janjgir-Champa (C.G.)

---- Appellant

Versus

State of Chhattisgarh through Police Station Pamgarh, District Janjgir-Champa
(C.G.)

---- Respondent

For Appellant	:	None.
For Respondent	:	Mr. Anand Verma, PL

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

27/09/2019

1. By the impugned judgment dated 20/03/2012 passed in Session Trial No. 107/2011 by the Additional Sessions Judge, Janjgir, District Janjgir-Champa (C.G.), whereby the Appellant has been convicted under Section 304-B of the IPC and sentenced to undergo RI for 10 years and to pay fine of Rs. 5000/- with default stipulations.
2. Facts of the case are that the marriage between the Appellant and the Deceased namely Indu Khare was solemnized on 21/05/2010. After marriage, the Deceased came to her parents house for Dashera Festival. It is alleged that at that time, the Appellant reached there and assaulted her, and demanded a motor-cycle, T.V. and Rs. 20,000/- from father of the Deceased namely Dhaniram (PW11). The incident was narrated to Ramkrishna who assured them to settle the dispute. Thereafter, the Deceased went to her matrimonial house and on

21/10/2010 she committed suicide by consuming poisonous substance. Merg information was given to the police Station Janjgir and FIR was registered on 13/01/2011. After completion of investigation, a charge-sheet has been filed against the Appellant as well as other co-accused persons namely Dhanendra, Panchram, Usha Bai and Kumari Bai. Trial Court framed the charges under Section 304-B/34 alternately 302/34 of the IPC against the Appellant as well as accused persons. To prove the guilt of the Appellant, the Prosecution has examined as many as 13 witnesses. No defence witness has been examined. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein the Appellant has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has acquitted co-accused Dhanendra, Panchram, Usha Bai and Kumari Bai from the charges framed against them and also acquitted the Appellant from the charge framed under Section 302/34 of the IPC, however, the Appellant has been convicted and sentenced as mentioned paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Bilaspur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 26/12/2018.
5. Since no one appears for the Appellant today, I decide this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of

conviction.

7. In this case from the evidence adduced by the prosecution, there is no dispute on the point that the marriage between the Appellant and the Deceased was solemnized on 21/05/2010 and on 21/10/2010, she committed suicide by consuming some poisonous substance. Thus, it is well established that within 7 years of her marriage, the death of the Deceased occurred in an unnatural condition.
8. Kanhaiya (PW3), Shanti Bai (PW9), Godavari Bai (PW10) and Dhaniram (PW11) in their Court statements have categorically stated that one day prior to death of the Deceased, the Appellant came to the house of Dhaniram (Father of the Deceased). He abused the Deceased and assaulted her. The Appellant was told not to do same, but he refused. It was further deposed by Godavari Bai (PW10) that at that time, the Deceased told her that the Appellant always said that they have not given Fridge, cooler, TV, motor-cycle and Rs. 20,000/-. The above statement of Godavari Bai (PW10) is duly corroborated by Shanti Bai (PW9). Both have remained firm during their cross examination. From the statement of these witnesses, it is also established that just one day after returning to matrimonial house, the Deceased committed suicide by consuming poisonous substance. From the evidence adduced by the prosecution, it is established that the death of the Deceased occurred within 7 years of her marriage in unnatural condition. It is also established that soon before death, the Deceased was subjected to cruelty on account of dowry. Considering all the aspects of the matter, I am of the view that the trial Court has rightly convicted the Appellant which does not require any interference.

9. Consequently, I do not find any merit in this appeal. The same is dismissed.

**Sd/-
(Arvind Singh Chandel)
Judge**

Rahul