

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1015 of 2019

- State Of Chhattisgarh Through The Incharge Police Station Dharsiwa, District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. Mohan Nishad, Aged About 25 Years, S/o Videshiram Nishad,
2. Smt. Amrika Bai, Aged About 45 Years, W/o Videshiram Nishad,
3. Videshiram Nishad, Aged About 50 Years, S/o Late Kaluram Nishad,

All are R/o Village Tarpongi, Police Station Dharsiwa, District : Raipur, Chhattisgarh

---- Respondent

For Petitioner : Shri Anand Verma, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

26.06.2019

1. Heard on application for grant of leave to appeal.
2. Taking into consideration the submission of learned counsel for the State that accused have been acquitted despite there being evidence of deceased having been subjected to torture and cruelty, we are inclined to grant leave to appeal only to the extent of acquittal of respondent from the allegation of commission of offence under Section 306/34 of the IPC.
3. After going through the material evidence on record and the finding of the learned trial Court, we do not consider present to be a fit case for grant of leave to appeal so far as acquittal of respondent for the commission of offence under Section 304 B of the IPC is concerned, as the evidence led by the prosecution does not make out a case of

cruelty, in connection with demand of dowry soon before death.

4. Accordingly, the CRMP is allowed and the case to be registered as an acquittal appeal and be listed for further orders.
5. CRMP is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

yasmin