

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 59 of 2011

- Manoj Singh @ Chaman S/o Ramcharan Chauhan, aged about 25 years, R/o Village Jagmava, P.S.-Darima, Distt.-Sarguja, C.G.

---- Appellant

Versus

- State of Chhattisgarh through District Magistrate, Ambikapur, District- Surguja, (C.G.).

---- Respondent

For Appellant	:	None.
For Respondent	:	Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

26/07/2019

1. By the impugned judgment dated 09/08/2010 passed in S.T. No. 06/2009 by the Fourth Additional Sessions Judge, (F.T.C.), Ambikapur, District – Surguja, Chhattisgarh, the Appellant has been convicted under Section 307 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 10 years and to pay fine of Rs. 1,000/- with default stipulation.
2. Facts of the case are that Gayatri (Victim) is the wife of accused/appellant namely Manoj Singh @ Chaman. Prior to two months of the incident, their marriage was solemnized. As per the prosecution story, accused/appellant was doubting upon the character of his wife Gayatri (victim). On 02/06/2008 at about 12:00 AM, a quarrel took place between the present accused/appellant and his

wife Gayatri (victim). This resulted to such an extent that the present accused/appellant poured kerosene oil upon his wife and thereafter lighted the fire through match box and thrown upon his wife which caused burn injuries on her (Gayatri) body. Brother-in-law (Dewar) namely Vinod came to spot to rescue the victim and immediately she was taken to hospital for medical treatment. During course of treatment, dying declaration of victim Gayatri was recorded. Thereafter, a written complaint i.e. Ex. P-1 has been submitted by the victim Gayatri and on the basis of the said F.I.R. i.e. Ex. P-4 has been registered by the police. Thereafter, statement of witnesses under Section 161 of Cr.P.C. were recorded. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges. To prove the guilt of the accused/appellant, the prosecution has examined as many as 7 witnesses. No defence witness has been examined. Statements of the appellant under Section 313 of the Cr.P.C. were recorded, wherein accused/appellant has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Ambikapur, (C.G.) dated 20/08/2018 would mention that the Appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 20/08/2018.
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. As opined by by Dr. K.N. Choudhary (P.W.-7), total 72 % of burn injury has been found on the body of victim Gayatri. Gayatri (P.W.-1) has categorically stated in her statement that on the date of incident at about 10:00 pm, a quarrel took place between her and accused/appellant which continued till 12:00 pm. It was further deposed by victim Gayatri that thereafter, accused/appellant poured kerosene oil and set her ablaze on fire. Incident was witnessed by her brother-in-law namely Vinod and by her Dedsas (elder sister of appellant) namely Pinky. It was further deposed that during treatment her (Gayatri) statement was recorded by police as well as tahsildar. Dharam Bai (P.W.- 2), who is mother of victim Gayatri has duly corroborated the statement of Gayatri (P.W.1) and stated that after receiving information, when she reached the Hospital situated in Ambikapur her daughter told her about the incident. She (Gayatri) told her that accused/appellant had poured kerosene oil on her and set her on fire. Nayab Tahsildar (P.W.-4) has duly supported the above facts and stated that on 23/06/2008 at CIMS Hospital, Bilaspur, he recorded dying declaration i.e. Ex. P-8 of victim Gayatri wherein she stated that husband (appellant) of victim Gayatri had poured kerosene oil on her and set fire.
8. On minute examination of the evidence, it is clear that there is sufficient evidence available on record against the appellant. On the basis of said, it is well established that appellant with intention to

commit murder of his wife Gayatri, poured kerosene oil on her and set her on fire. Thus, the learned trial Court has rightly convicted the Appellant.

9. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

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