

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 570 of 2010

State of Chhattisgarh, through – Station House Officer, Police
Station Bodhghat, District – Jagdalpur (C.G.)

---- **Petitioner**

Versus

1. Tarak Sarkar, S/o - Supad Sarkar, Aged about – 38 years.
2. Kavita Sarkar, D/o - Supad Sarkar, Aged about – 26 years
3. Savita Sarkar, D/o – Supad Sarkar, Aged about – 32 years
4. Smt. Yasomati, W/o - Supad Sarkar, Aged about – 60 years.

All R/o – Village Kevaramunda ward, Gujrati Samaj ke Pass,
Jagdalpur, Bastar.

---- **Respondents**

For State/ Petitioner : Mr. A. N. Bhakta, Dy. Advocate General.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

15/04/2019

1. Heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
2. This petition is preferred against judgment dated 6th January, 2004, passed by Chief Judicial Magistrate, Jagdalpur (C.G.) in Criminal Case No. 296/99, wherein the said court acquitted the respondents for commission of offence under Sections 498 (A) and 494 of the IPC, 1860 & under Section 4 of the Dowry Prohibition Act, 1961.
3. In the present case, name of the prosecutrix is Champa Sarkar, who was married with respondent No. 1- Tarak Sarkar on 7th May, 1990 and one girl child born out of wedlock. It is

alleged that respondents demanded dowry and due to non-fulfillment of dowry, they harassed the complainant-Champa Sarkar. To substantiate the charge, the prosecution examined as many as 7 witnesses. From evidence of Champa Sarkar, Manoranjan Das, Geeta Vishwas, Nanda Rani, Basanti Das and Ram Prasad, it is not clear that any harassment was done on account of any unlawful demand.

4. From the evidence, it appears that respondent No. 1-Tarak Sarkar married with one Aparna Mistri during lifetime of Champa Sarkar that is why there was strained relation between Champa Sarkar and Taran Sarkar. Champa Sarkar was working in Life Corporation Company at Kanker while her husband working at Kakori. Though, Champa Sarkar deposed that her-in-laws restrained her from entering into their house, but this fact was not stated by her during investigation. She did not depose anything on explanation as to why the statement was improved before the trial Court.
5. From the entire evidence, the trial Court opined that harassment on the part of respondents and demand of dowry is not established. Finding of the trial court is based on the materials on record and same is not based on irrelevant and extraneous matter. If two views are possible, the view taken in favour of the respondent/accused should be accepted.
6. The trial court has elaborately discussed the entire evidence and came to conclusion that the charges leveled against the respondents are not established. After reassessing the entire

evidence, this Court has no reason to record contrary finding.

It is not a case where respondents should be called for hearing again for full consideration of this petition.

7. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge