

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1152 of 2019

- State Of Chhattisgarh Through Police Station Bhilai Nagar, District- Durg, Chhattisgarh

---- Petitioner

Versus

1. Bishat Ram S/o Ramprasad Meshram Aged About 55 Years
2. Kamta Prasad @ Tau S/o Bishat Ram Meshram Aged About 23 Years
3. Dharmendra Kumar S/o Bishat Ram Meshram Aged About 26 Years
4. Ku. Pushpa S/o Bishat Ram Meshram Aged About 18 Years
5. Smt. Geeta W/o Bishat Ram Meshram Aged About 50 Years

All are R/o Jhiriya Para, Ruanbandha Basti, Azad Chowk, Police Station Bhilai Nagar, District- Durg, Chhattisgarh

---- Respondents

For Applicant

Shri K. K. Singh, GA

Hon'ble Justice Mr. Prashant Kumar Mishra
Hon'ble Justice Mr. Gautam Chourdiya

Order On Board by Prashant Kumar Mishra J.

10/07/2019

1. On due consideration, IA No.1/2019, application for condonation of delay in filing the CRMP, is allowed and the delay of 143 days in filing the CRMP is condoned.
2. The Trial Court has acquitted the accused from the charge under Section 304-B/34 of IPC.

3. The deceased committed suicide on 09.08.2016. The evidence available in the record would speak about commission of cruelty other than demand of dowry. The husband was paid Rs.50,000/- after marriage in two installments, but the said payment was for construction of house and not for demand of dowry. However, dispute or controversy in the family would not amount to commission of cruelty for the purpose of attracting Section 304-B of IPC.
4. It is true that the deceased committed suicide, which would amount to death otherwise than under normal circumstances but in the absence of any proof of demand of dowry and commission of cruelty in connection with the said demand, the Trial Court has not committed any illegality in acquitting the accused.
5. There is no substance in this CRMP. It is accordingly dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge