

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 978 of 2014**

- Uma Bai W/o Bodhi Ram Yadav, Aged About 53 Years, R/o Village Potiya, Police Station - Nandini, Civil and Revenue District Durg C.G. , Chhattisgarh

---- Appellant**Versus**

- State of Chhattisgarh Through Station House Officer, GRP Police Station Nandini, District Durg C.G., Chhattisgarh

---- Respondent

For Appellant : Mr. Rajesh Kumar Sharma, Advocate.

For Respondent/State: Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Judgment on Board****17/01/2019**

1. This appeal has been preferred against judgment dated 28-08-2014 passed in Session Trial No.16/2014 by the First Additional Sessions Judge, Durg, District Durg (C.G.) convicting the appellant under Section 307 of the IPC and sentencing her with R.I. for 7 years along with fine Rs.2000/- with default stipulation.
2. The prosecution case, in brief, is this, that, the victim in this case Anitabai is daughter-in-law of this appellant. A dispute arose between this appellant and her daughter-in-law, the victim on 30-05-2013 at about 10 a.m. then the appellant firstly assaulted the victim with sickle and then she tried to strangulate her with a rope and then again she poured kerosene oil on the body of the victim and set fire to her body. The victim, Anitabai (PW-1) got burn injury, for which she was treated. On the basis of the written complaint given

by Manbodhram Yadav (PW-2) the FIR was lodged against this appellant vide Ex.-P/1 registering the offence against her. The case was investigated and then charge sheet was filed against the appellant.

3. The appellant was charged with offences under Section 307 of the IPC, to which she denied and prayed for trial.
4. After completion of the prosecution evidence, the appellant was examined under Section 313 of the Cr.P.C., in which she denied all the incriminating evidence against her, pleaded innocence and false implication. No witness was examined in defence.
5. After completion of the trial, the impugned judgment has been passed where in this appellant has been convicted and sentenced as aforementioned.
6. It is submitted on behalf of the appellant that the conviction of the appellant is based mainly on the evidence of the victim who is keenly interested in the conviction and sentence of this appellant, hence, that should not have been relied upon to convict the appellant. No case was made out for conviction of the appellant. It is also submitted that the appellant has been released from jail after completion of the sentence of imprisonment imposed upon her by the trial Court, even then, to restore the prestige of the appellant, the appeal may be allowed.
7. Learned counsel for the State/respondent opposes the grounds raised in the appeal and the submission made in this regard and submits that the prosecution has proved its case beyond reasonable doubt. Therefore, the appeal may be dismissed.

8. Heard learned counsel for the parties and perused the record of the trial Court.
9. Perused the entire evidence present in the record of the trial Court and after closely scrutinizing the same, I am of this opinion that the trial Court has not committed any error in convicting the appellant for the offences as aforesaid and in sentencing her accordingly. Therefore, this appeal is without any substance, hence, the same is accordingly dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge