

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1476 of 2019

- Applicant

---- Respondent

For Applicant-State :- Ms Madhunisha Singh, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

03/07/2019

1. Heard.

I.A. No.1 of 2019

2. This is an application for condonation of delay in filing the application seeking leave to appeal.

3. On due consideration, application is allowed and delay of 22 days in filing application seeking leave to appeal is condoned.
4. The default having already been removed by the State by filing necessary papers. We have heard learned State counsel for the applicant on admission.
5. The trial Court has acquitted the accused of the charge under Section 304B in alternative under Section 306 of IPC. Deceased Nandini Sahu was married with the accused on 13.05.2013 and she died of hanging on 30.01.2018 in her matrimonial house. After merg inquiry, the FIR was registered on 24.02.2018. In their case diary statements, parents and other relatives of the deceased alleged demand of dowry and commission of other cruelty by the accused, however, when examined in Court, all of them have turned hostile and have not supported the case of prosecution.
6. We have perused the deposition of PW-1 Shivram Sahu (father), PW-2 Basanti Bai Sahu (mother), PW-3 Tula Ram Sahu (uncle), PW-4 Lalit Sahu (independent witness), PW-5 Ashwant Sahu (independent witness), PW-6 Daneshwar Sahu (uncle), PW-7 Govind Prasad Shukla (independent witness), PW-8 Sarojani Dadara (independent witness) and PW-9, Narendra Kumar Sahu (brother-in-law of deceased).

Barring few places in the statements, the parents of the deceased and her relatives as well, have not supported the prosecution. Thus, there is absolutely no material to the effect that the accused was demanding dowry or was committing such cruelty which dragged the deceased to such a situation where she had no other option but to commit suicide.

7. Having seen the evidence, we are satisfied that the judgment rendered by the trial Court is borne out from the material on record.
8. Accordingly, there is no substance in this application seeking leave to appeal. The CRMP thus fails and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge