

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1240 of 2018**

Kavita Singh @ Ranjita Singh, W/o Sanjay Singh Chandel, aged about 38 Years, R/o Village- Darang, Police Station- Champa, District- Janjgir-Champa (C.G.)

---- Petitioner

Versus

1. Sanjay Singh Chandel, S/o Shyam Sunder Singh, aged about 40 Years.
2. Shyam Sunder Singh, S/o Diwan Singh, aged about 75 Years.
3. Smt. Sunaina Singh, W/o Shyam Sunder Singh, aged about 62 Years.
The respondent No. 1 to 3 are R/o Government Hospital Premises Sitapur, District- Ambikapur, Surguja (C.G.)
4. Smt. Poonam Singh, W/o Brijendra Singh, aged about 36 Years, R/o Village Dhirkot, Police Station- Janjgir, District- Janjgir-Champa (C.G.)
(Respondent No. 1 to 4 were accused/ appellants before the Court below)
5. The State of Chhattisgarh, through the District Magistrate, Janjgir-Champa (C.G.)

---- Respondents

For Petitioner	:	Mr. Rakesh Pandey, Adv.
For Respondent No. 1 to 4	:	Mr. Ravindra Sharma, Adv.
For State/ respondent No. 5	:	Mr. Afroj Khan, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

03/04/2019

1. Heard on application for grant of leave to appeal filed under Section 372 of the Code of Criminal Procedure, 1973.
2. This petition is preferred against judgment dated 07.06.2018 passed by District Judge, Janjgir-Champa (C.G.) in Criminal Appeal No. 08/2018, wherein the said court acquitted respondent No.2- Shyam Sunder Singh and respondent No. 4- Poonam Singh for commission of offence under Section

498-A read with Section 34 of IPC, 1860 and reduced the sentence of respondent No. 1- Sanjay Singh Chandel and respondent No. 3-Sunaina Singh from R.I. for 3 years to R.I. for 1 year and fine of Rs. 10,000/- each.

3. In the present case, name of the victim is Kavita Singh @ Ranjita Singh who married with respondent No. 1- Sanjay Singh Chandel since one and half year of the complaint. Respondent No. 2- Shyam Sunder Singh Chandel is father-in-law of the said complainant and respondent No.4- Smt. Poonam Singh is sister-in-law (Nanand) of the complainant.
4. From the evidence, it is established that respondent No.4- Poonam Singh @ Manju is married and she is residing with her husband at Mainpat while the place of incident is Village- Sukli which is very distant place from Mainpat. From the entire evidence, it is not clear that on what date, the respondent No.4- Poonam @ Manju visited the Village- Sukli and committed cruelty against the complainant. As the evidence against this respondent was not incriminating, the trial court opined that the charge leveled against this respondent is not established.
5. Again, there is no incriminating piece of evidence against respondent No.2- Shyam Sunder Singh Chandel because all the witnesses have made general and bald statement and no particulars were given in the trial court to establish that this respondent harassed the complainant to meet any unlawful

demand or any willful conduct which is of such nature as is likely to compel her to take extreme steps.

6. So far as finding against respondent No.1- Sanjay Singh Chandel & respondent No. 3- Sunaina Singh is concerned, the trial court has not acquitted both the respondents. The trial court reduced the sentence from R.I. for 3 years to R.I. for 1 year which cannot be termed as inadequate looking to the charge leveled against these respondents. Since, no acquittal order is passed against these respondents and sentence awarded to them cannot be termed inadequate, therefore, the appeal preferred under Section 372 of the Cr.P.C. is not maintainable. However, the petitioners are free to take any other legal recourse, if law permits.
7. The trial court has elaborately discussed the entire evidence and after reassessing the same, 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. Accordingly, application for grant of leave to appeal is rejected.
8. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge