

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No. 98 of 2010

State of Chhattisgarh, Through- District Magistrate , District-
Dhamtari (C.G.)

---- Appellant

Versus

Sukhiram Sahare, S/o- Niranjan Sahare, Aged about- 52
years(Deleted).

Smt. Goriya Bai@ Kanti Bai, W/o- Sukhit Ram Sahare, Aged
about- 50 years.

Both R/o- Lalbageecha, Dhamtari, District- Dhamtari (C.G.)

---- Respondent

For State/Appellant : Mr. Raghvendra Verma, G.A.

For Respondent : Mr. P.K. Tulsiyan, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Judgment On Board

06/11/2019

1. This petition is preferred against judgment dated 27th April, 2009 passed by the Sessions Judge, Rajnandgaon (C.G.) in Criminal Appeal No. 21/2008 wherein the said Court acquitted the respondents for charge under Section 498- (A) read with Section 34 of I.P.C. 1860 by allowing the appeal against the judgment dated 31st July, 2008, passed by the learned Judicial Magistrate First Class, Rajnandgaon (C.G.) in Criminal Case No. 838/ 2008.
2. In the present case the respondent/accused Sukhit Ram died on 6th February, 2011 and his name is deleted. After death of respondent No.1 only respondent left is Smt. Goriya Bai @

Kanti Bai who is mother-in-law of the victim namely Taruna Sahare (PW-10).

3. As per the prosecution case Taruna Sahare (PW-10) was married to the son of the present respondent namely Jagdish on 26th February, 2001 at Rajnandgaon. After marriage said Taruna Sahare (PW-10) stayed with her husband for some time at Dhamtari and thereafter they come to village Pithora. It is alleged that the respondent harassed the victim Taruna Sahare (PW-10) for not meeting unlawful demand of golden ornaments, Television and Rs. 50,000.
4. To substantiate the charge the prosecution examined as many as 12 witnesses. Saroj Lautray (PW-3), Dwarika Prasad Lautray (PW-4), Kalavati (PW-5), Rajim (PW-6) and Saroj Bai (PW-7) have deposed before the Trial Court what is informed to them by Taruna Sahare. There is no direct evidence against the present respondents for demand of any article or cash. The only witness who deposed before the Trial Court against the present respondents is Taruna Sahare (PW-10). Version of this witness is general and bald statement that all the persons including her husband father-in-law and mother-in-law demanded articles and cash and assaulted her, but version of this witness is not clear as to the actual date of incident. If respondents had assaulted this witness then there would have been injury caused to her body but no medical examination is done in this regard and no medical expert has examined before the Trial Court that present appellant caused any injury

to her body, therefore, version of this witness is bald in nature which is uncorroborated.

5. From the evidence of Taruna Sahare, it is clear that she stayed in Dhamtari for some time and thereafter she stayed in Pithora with her husband only. In Pithora the present respondent did not stay with the victim. From the entire story, it appears that one other lady entered into her house at Pithora and she claimed to be wife of Jagdish who is husband of this witness that is why the matter was informed to family members of Jagdish and report was lodged at Rajnandgaon. When respondents had no occasion to stay with the victim at Pithora, it would not be safe to say that they harassed the victim for any illegal demand or committed any willful conduct to cause grave injury or danger to life. Ingredients of Section 498- (A) against the present appellant is not established by cogent evidence. The first appellate Court elaborately discussed the entire evidence and recorded finding of acquittal. After reassessing the entire evidence this Court has no reason to record contrary finding.
6. Accordingly, this appeal is liable to be and is hereby dismissed.

Sd/-
(Ram Prasanna Sharma)
Judge