

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 842 of 2013

- Ratiram Chouhan, S/o Shamburam Chouhan, presently aged about 55 Years, By Occupation Labour, R/o Village Timarlaga, Thana and Tahsil Sarangarh, Distt. Raigarh, C.G.

---- Petitioner

Versus

1. Lavkumar, S/o Sankirtan Chouhan, Aged About 24 Years R/o Village Kanchanpur, Thana Sariya, Tah. Baramkela Distt. Raigarh C.G.
2. Sankirtan Chouhan, S/o Lutu Chouhan Aged About 48 Years, R/o Village Kanchanpur, Thana Sariya, Tah. Baramkela Distt. Raigarh, C.G.
3. Smt. Fagnibai, W/o Sankirtan Chouhan, Aged About 46 Years, R/o Village Kanchanpur, Thana Sariya, Tah. Baramkela Distt. Raigarh C.G.
4. Rajpal Chouhan, S/o Bharat Chouhan, Aged About 46 Years, R/o Village Kanchanpur, Thana Sariya, Tah. Baramkela Distt. Raigarh C.G.
5. Dr. Toppo Chikitsak Swasthaya Kendra, S/o Sariya Tah. Baramkela, Distt. Raigarh C.G.
6. R. K. Tiwari, S/o Assistant Sub Inspector, Thana Sariya Tahsil Baramkela, Distt. Raigarh, C.G.

---- Respondents

For Petitioner	Shri Parag Kotecha, Advocate
For Respondents	None

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

28/06/2019

1. The petitioner is permitted to amend the relief clause to seek prayer for re-investigation by the Police.
2. No one appears for the respondents despite service of notice.

3. The present is a petition challenging the rejection of private complaint against the accused persons. In the complaint, it was alleged that the deceased Pooja was married to Lav Kumar on 20.05.2005 and she died under abnormal circumstances on 04.09.2005. Various complaints were filed before the concerned Police alleging murder or dowry death and thereafter the private complaint was filed.
4. In course of hearing of this petition, it appeared very surprising to the Court as to why the concerned Police or the Magistrate did not refer to the presumption under Section 113 (B) of the Evidence Act when the death of petitioner's niece has taken place within 4 months of marriage and she has died in unusual circumstances. There being allegation of demand of video CD and torture in other form and moreover the Police itself having found that Lav Kumar was obtaining unauthorized electricity connection by hooking, as to why the concerned Police did not even register a case of theft of electricity and causing death by negligence.
5. Considering the nature of complaint alleging dowry death and the finding arrived at by the Police itself as reflected in the report submitted by it before the concerned Magistrate that Lav Kumar was involved in theft of electricity, the petition is disposed of with direction to the concerned Police to re-investigate the matter and submit charge sheet, if commission of any cognizable offence is found to be committed by the culprits.

Sd/-
Prashant Kumar Mishra
Judge