

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1180 of 2013

- Jai Singh Patel S/o Mohitram Patel, Aged About 26 Years, R/o Village Chhatouna, O.P. Belgahna, P.S. Kota, Civil and Rev. Distt. Bilaspur, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through O.P. Belgahna, P.S. Kota, Civil and Rev. Distt. Bilaspur, Chhattisgarh.

---- Respondent

For Appellant	:	None.
For Respondent	:	Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

26/07/2019

1. By the impugned judgment dated 20/09/2013 passed in S.T. No. 91/12 by the 2nd Additional Sessions Judge, Bilaspur, in the Court of 1st Additional Sessions Judge, Bilaspur, Chhattisgarh the Appellant has been convicted under Section 307 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs. 2,000/- with default stipulation.
2. Facts of the case is that on 15/12/2011, accused/appellant after consuming liquor indulge in quarrel with his father and mother. Then

his wife Suniti Patel (victim) came there and took her husband (accused) in her house. Being afraid of this, accused/appellant got angry on his wife and beaten her thereafter, poured kerosene oil on her body set her on fire with intention to commit murder. Matter was reported by Shiv Kumar (P.W.- 10), who is father of the victim Suniti and on the basis of the said, offence has been registered. Thereafter, statement of witnesses under Section 161 of Cr.P.C. were recorded. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges. To prove the guilt of the accused/appellant, the prosecution has examined as many as 15 witnesses. No defence witness has been examined. Statements of the appellant under Section 313 of the Cr.P.C. were recorded, wherein accused/appellant has pleaded his innocence and false implication in the matter.

3. After trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Bilaspur, (C.G.) dated 22/07/2019 would mention that the Appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 31/08/2017.
5. No one appears on behalf of appellant today. Finding the correctness of judgment of the trial Court, I decide this appeal on merits.
6. I have heard learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. Chandulal (P.W.-1), Narmada Prasad Patel (P.W.-2), Mohitram (P.W.-

3), Ramau Patel (P.W.-4), Manohar Raj (P.W.-5) and Narayan (P.W.-8) have not totally supported the case of the prosecution but from their statement, it is well established that, when they reached the place of incident i.e. in victim's room, they found the victim with burn injuries and was in very serious condition. These all witnesses have not stated anything regarding the occurrence of incident. However, P.W.-9 (Suniti) has deposed that on the date of incident, her husband (accused), jeth (brother-in-law) and her father-in-law were quarreling among themselves. When victim Suniti tried to stop her husband, then he (accused) got angry and poured kerosene oil on her and set her on fire due to which she sustained burn injuries and became unconscious. Thereafter, victim (Suniti) was hospitalized in CIMS Hospital where she has undergone treatment for three months. Victim Suniti remained firm during her cross-examination. Shiv Kumar (P.W.-10) father of the victim has also deposed that he came to know about the incident by her daughter who was hospitalized, that her husband himself had poured kerosene oil on her and set her on fire. As per the medical report Ex. P-16 of victim Suniti and as opined by Dr. Sandeep Dwivedi (P.W.-14), burn injury has been found on back, both hands, shoulder, chest, face and neck of the victim Suniti.

8. On minute examination of the evidence, it is clear that there is sufficient evidence available on record against the appellant. On the basis of said, it is well established that appellant with intention to commit murder of his wife Gayatri, poured kerosene oil on her body and set her on fire. Thus, the learned trial Court has rightly convicted the Appellant.

9. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

**Sd/-
(Arvind Singh Chandel)
Judge**

Prakash