

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1694 of 2019**

- State Of Chhattisgarh Through The Incharge, Police Station Bhatapara (Rural) District- Balodabazar-Bhatapara, Chhattisgarh

---- Petitioner**Versus**

- Hemesh @ Chhotu Yadav S/o Sahatram Yadav Aged 28 Years R/o Village Tikuliya, Police Station Bhatapara (Rural), District- Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Petitioner/State

Mr. KK Singh, Government Advocate

**DB: Hon'ble Mr. Justice Prashant Kumar Mishra &
Hon'ble Mr. Justice Gautam Chourdiya**

Order On Board By Prashant Kumar Mishra, J.

23/7/2019

1. Heard on admission.
2. The trial Court has acquitted the accused of the charge under Section 304B in alternative under Section 302 of IPC.
3. The deceased died within 7 years of marriage, however, the prosecution has not proved that there was demand of dowry soon before the death. As a matter of fact, the father of the deceased Ramratan (PW-1) and her *Badi Ma* Rukmani (PW-3), have not stated anything about demand of specific article or

cash by the accused. The parties otherwise belong to a lower stata of the Society.

4. True it is that there is allegation of regular assault by the accused on the deceased but that might happen for different reasons. In any case, there is no evidence that there was demand of dowry soon before death, therefore, the acquittal appears to be on the basis of the finding duly supported with the evidence on record.
5. No case for grant of leave is made out.
6. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge