

HIGH COURT OF CHHATTISGARH, BILASPURACQA No. 224 of 2012

1. Ramnarayan Sahu S/o Chhattu Ram Sahu Aged About 42 Years
R/o Village Rungara , P.S. Balco Nagar , Korba , Distt. Korba
C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through - P.S. Kartala , Distt. Korba C.G.
2. Ranjeet Kumar Sahu S/o Pitalal Sahu Aged About 27 Years
Occupation Agriculture, Labour
3. Pitar Lal Sahu S/o Bandhu Ram Sahu Aged About 45 Years
Occupation Agriculture and Labour
4. Sukrita Bai W/o Pitalal Sahu Aged About 43 Years, Occupation
Agriculture and Labour

Respondents No.2 to 4 are R/o Village Chiknipali, PS Kartala,
Distt. Korba C.G.

---- Respondent

ACQA No. 165 of 2014

1. State Of Chhattisgarh Through SHO PS Kartala, Distt. Korba
C.G.

---- Petitioner

Versus

1. Ranjit Kumar Sahu, S/o Pitar Lal Sahu Aged About 27 Years
Occupation Agricultural Labour
2. Pitar Lal Sahu S/o Bandhram Sahu Aged About 45 Years
Occupation Agricultural Labour
3. Sukrita Bai W/o Pitar Lal Sahu Aged About 43 Years
Occupation Agricultural Labour

All R/o Village Chiknipali, Ps Kartala, Distt. Korba C.G.

For Appellant in
ACQA No.224 of 2014

Shri Ramnarayan Sahu, in person

For State

Shri Avinash Choubey, Panel Lawyer

For Accused

Shri Anil Gulati, Advocate

Hon'ble Shri Prashant Kumar Mishra, J.

Hon'ble Shri Gautam Chourdiya, J.

Judgment on Board

By

Prashant Kumar Mishra, J.

14-10-2019

1. Deceased Gita Bai's father Ramnarayan Sahu (PW-10) and the State of Chhattisgarh have preferred these two separate acquittal appeals against the same judgment of acquittal rendered by the Sessions Judge, Korba, in ST No.7/2010 on 28-9-2012 acquitting the accused of the charges under Sections 304-B of the Indian Penal Code (for brevity 'the IPC').
2. Ranjeet Kumar Sahu (for brevity 'A1') is the husband whereas Pitar Lal Sahu (for brevity 'A2') & Sukrita Bai (for brevity 'A3') are father-in-law & mother-in-law, respectively of the deceased Gita Bai. The deceased was married with A1 on 16-3-2008. She committed suicide by consuming poison (insecticide) at about 12.00 noon on 16-7-2009.

3. The First Information Report (FIR) (Ex.P/10) was lodged by PW-10 Ramnarayan Sahu, father of the deceased, informing the police that his daughter Gita Bai was a Teacher in a Private Gayatri School before marriage. She was married with A1 on 16-3-2008. Soon after the marriage she was ill treated by the accused and was restrained from continuing with her Teachership. He was informed by A1 on 16-7-2009 that Gita Bai is serious. When his wife Janki Bai (PW-12) reached to the hospital Gita Bai was already dead having consumed poison (insecticide). He further informed that Gita Bai was subjected to cruelty for demand of dowry.
4. In his Court statement PW-10 Ramnarayan Sahu stated that his daughter used to inform him that the accused persons were demanding motorcycle or cash in lieu thereof, however, he would not state that any demand was ever made to him directly. Statement of the deceased to this witness would, thus, be in the category of hearsay evidence.
5. In the postmortem report (Ex.P/9) the autopsy surgeon PW-3 V.S. Rathore has not found any external injury over the person of the deceased. Thus, the deceased was not subjected to any physical cruelty soon before her death.
6. PW-12 Janki Bai, mother of the deceased, has stated about the demand of motorcycle or cash in lieu thereof, but again this was

told to her by the deceased and no demand was made by any of the accused to this witness directly. PW-12 Janki Bai has also admitted that the family of the accused are financially more sound in comparison to their family.

7. PW-14 Leeladhar Prasad Jaiswal was the mediator who negotiated the marriage. According to his statement, there was no demand of dowry at the time of marriage nor after the marriage. He has never heard that the accused persons were committing cruelty with the deceased.
8. Appellant Ramnarayan Sahu has appeared in person before us. In course of hearing he argued that the accused persons did not inform him about the incident and when he reached the village the deceased was already cremated. However, in his Court statement he clearly admits that when he reached the hospital at the time of postmortem his wife had already reached there and that he had participated in the cremation. Thus, the argument raised in course of hearing of this appeal appears contrary to what was deposed in the Court.
9. There is evidence on record that on earlier occasion Gita Bai was treated in a private hospital when she had fallen ill and at that time she was properly taken care of. Moreover, there is no allegation in the FIR that motorcycle or cash in lieu thereof was demanded. The death has taken place after 1 year 3 months of

marriage, yet there is no complaint to the police or to the caste panchayat, etc. prior to the incident.

10. The learned trial Judge has considered the entire evidence elaborately to reach to the conclusion that the allegation of demand of dowry does not appear to be reliable raising doubt over the prosecution case.
11. It is the settled law that when two views are possible the High Court while hearing the acquittal appeal is not entitled to take a different view in the matter merely because another view is also possible. Since the present is not a case where the finding recorded by the trial Court is perverse, we are not inclined to take any different view of the matter. (See : ***State of M.P. v Bachhudas alias Balram and others¹***).
12. In the result, both the acquittal appeals, *sans* merit, are liable to be and are hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Gowri

¹ (2007) 9 SCC 135