

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.1943 of 2019

The State of Chhattisgarh through District Magistrate, Janjgir-Champa,
Chhattisgarh

---- Petitioner

versus

Kishunlal Khairwar, son of Fulsingh, aged about 26 years, resident of Village
Mahuda, Police Station Balouda, District Janjgir-Champa, Chhattisgarh

--- Respondent

For Petitioner	:	Shri Anand Verma, Dy. Government Advocate
For Respondent	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

25.9.2019

1. Heard on I.A. No.1 for condonation of delay in filing the instant application (Cr.M.P.). For the reasons stated in I.A. No.1, it is allowed and delay of 473 days is condoned.
2. Also heard on admission. Perused the material available.
3. Vide impugned judgment dated 19.1.2018 passed by the Additional Sessions Judge (FTC), Janjgir, District Janjgir-Champa in Sessions Trial No.105 of 2016, the Respondent has been acquitted of the charge framed under Section 306 of the Indian Penal Code.
4. Deceased Laxminbai was wife of the present Respondent. Allegedly, she committed suicide on 2.6.2016 on being instigated by the Respondent. Kishunlal (PW1), Fulsingh (PW2), Rakesh Nirmalkar (PW3) have not supported the case of the prosecution and turned hostile. Ramkumar Khairwar (PW6) is brother of the deceased. He has categorically admitted the fact that on disputes getting raised due to consumption of liquor by the Respondent and other domestic reasons, the Respondent used to beat the

deceased and as a result of which the deceased committed suicide. From the material available, it is not established that the Respondent ever instigated the deceased to commit suicide. I find that the Respondent has rightly been acquitted by the Trial Court.

5. I find no ground to grant leave to appeal. The application (Cr.M.P.) is, therefore, dismissed at the admission stage itself.

Sd/-
(Arvind Singh Chandel)
Judge