

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 2012 of 2019

1. The State Of Chhattisgarh Through Police Station Sanawal,
District Balrampur Ramanujganj Chhattisgarh

---- Petitioner

Versus

1. Ambika @ Amerika Gupta S/o Fagu Sao Aged About 34
Years
2. Fagu Sao S/o Kalpu Sao Aged About 58 Years
3. Smt. Shanti Devi W/o Fagu Sao Aged About 55 Years
Occupation Job
4. Nandu Sao S/o Fagu Sao Aged About 40 Years Occupation -
Job

All R/o Village Sanawal, Police Station Sanawal, District
Balrampur Ramanujganj Chhattisgarh

---- Respondents

For Petitioner/StateShri Ashish Gupta, Panel Lawyer

Hon'ble Shri Prashant Kumar Mishra, J.Hon'ble Shri Gautam Chourdiya, J.Order on BoardByPrashant Kumar Mishra, J.22-10-2019I.A.No.1

1. This is an application for condonation of delay in filing the
application.

2. For the reasons mentioned in the application, the delay of 45 days in filing the application is condoned.
3. Accordingly, I.A.No.1 stands disposed of.
4. Trial Court has acquitted the accused from the charge under Sections 498-A & 307 read with Section 34 of the Indian Penal Code.
5. As per the prosecution case the accused persons were treating the victim Sunita (PW-4), wife of the accused/respondent No.1, with cruelty and attempted to commit her murder on 26-8-2017 by setting her on fire after pouring kerosene oil.
6. Despite there being a dying declaration incriminating the accused, when examined in Court, the victim Sunita (PW-4) has turned hostile and has not supported the case of the prosecution. She stated that she sustained accidental burn injuries at the time of warming the food.
7. Considering the nature and quality of evidence available on record, it is manifest that present is not a fit case for grant of leave to appeal.
8. In the result, the application (CRMP), *sans* merit, is liable to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Gowri