

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2157 of 2019**

- The State Of Chhattisgarh Through -District Magistrate Raigarh Chhattisgarh. ----- Applicant

Versus

- Ajay Kumar Chouhan S/o.- Kartik Ram Chouhan Aged About 25 Years R/o. Jampali Usrouth, P.S. - Kotraroad, District - Raigarh Chhattisgarh. ----- Respondent

For Applicant-State :- Shri Avinash Choubey, PL

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya**

Order On Board**By****Prashant Kumar Mishra, J.****25/09/2019**

1. On due consideration delay of 10 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application for condonation of delay occurred in filing of the Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charge under Section 304-ख of I.P.C.
3. The accused and deceased were married on 04.05.2017. Deceased committed suicide by hanging on 03.03.2018. At that

time she was carrying 07 months pregnancy.

4. Jehrulal Chouhan (PW-1), father of the deceased, Fulkumari Chouhan (PW-2), mother of the deceased, Pehrulal Chouhan (PW-3), uncle of the deceased, Manisha Chouhan (PW-5), sister of the deceased and Sanjay Kumar Chouhan (PW-6), brother of the deceased have stated that they belong to Ganda (गाँडा) community in which there is no system of dowry. They have gifted household articles like bed, almira etc of their own, without there being any demand of dowry.
5. There is clear admission on the part of the witnesses that the accused has never demanded dowry in any form from them either before or after the marriage. Initially, allegation of demand of motor-cycle was made but in the statements of witnesses it is clearly stated that the accused already owns a motor-cycle and whenever he used to visit the house of his in-laws, he used to come on his own motor-cycle.
6. There being lack of material to substantiate the allegation of demand of dowry soon before the death, the basic ingredients of offence under Section 304-ख of I.P.C. is not available. No case for grant of leave to appeal is made out.
7. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge