

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2617 of 2018

- State Of Chhattisgarh Through Its Station House Officer, Police Station Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. Sanjay Kumar S/o Shyam Dayal Jaiswal Aged About 26 Years R/o Village Podidalha, Police Station Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Shyam Dayal S/o Anand Ram Jaiswal Aged About 50 Years R/o Village Podidalha, Police Station Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Baharteen Bai S/o Shayam Dayal Jaiswal Aged About 46 Years R/o Village Podidalha, Police Station Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Sukh Bai D/o Shyam Dayal Jaiswal Aged About 19 Years R/o Village Podidalha, Police Station Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
5. Sonai Jaiswal D/o Shyam Dayal Jaiswal Aged About 18 Years R/o Village Podidalha, Police Station Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondents

For Petitioner/State	:	Shri K.K. Singh, G.A.
For Respondents	:	None

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

18.01.2019

1. Heard on application for condonation of delay in filing appeal.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal.
5. Learned counsel for the State submits that the learned Trial Court has wrongly acquitted by giving benefit of doubt to the accused as the evidence of death of the deceased is due to consumption of insecticide and there is also evidence

that deceased was subjected to cruelty.

6. We have gone through the entire judgment of conviction and evidence led by the prosecution that the learned Trial Court have meticulously and very scrutinizingly gives the conclusion that there is no weighty evidence that the deceased was subjected to cruelty much less with the demand of dowry.
7. Learned Trial Court has taken into consideration that the deceased herself was eager and insisted to live with her husband.
8. Upon taking into consideration the evidence of the learned Trial Court has reached to the conclusion, that there could be a case of suicide not murder or dowry death.
9. The view which has been taken by the learned Court does not appear to be suffering from any patent illegality, perversity so as to warrant interference by this Court, keeping in view that limited scope of interference against the judgment of acquittal. We, accordingly, do not consider present to be a fit case to grant leave to appeal.
10. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge