

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 113 of 2019

State of Chhattisgarh, Through - The District Magistrate ,District – Raigarh (C.G.)

---- Petitioner

Versus

Mahatma Ram Gupta, S/o - Late Chaiten Gupta, Aged about - 40 years, R/o - Village Nawapara Tenda, Police Station and Tahsil Gharghoda, District - Raigarh (C.G.)

---- Respondent

For State/ Petitioner : Shri A. N. Bhakta, Dy. Govt. Advocate

For Respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

11/04/2019

1. Heard on I.A. No. 01/2019, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in (1996) 3 **SCC 132**, the delay of 151 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 13th April, 2018, passed by Sessions Judge, Raigarh (C.G.) in Sessions Trial No. 92/2015, wherein the said court acquitted the

respondent for commission of offence under Section 306 of IPC for abetment of suicide of Sushila Gupta on 13th & 14th May, 2005 at village Nawapara Tenda.

5. In the present case, name of deceased is Smt. Sushila Gupta who died due to consumption of poisonous substance and nature of death is suicidal.
6. No suicidal note was received/seized in the present case, no dying declaration was recorded of the deceased. The date of incident was 14th May, 2005 and after about 45 days, statement of Santosh Gupta (PW-1), who is husband of deceased and Nakul Pradhan (PW-5), who is father of deceased be recorded under Section 161 of CrPC during enquiry under Section 174 of CrPC, Santosh Gupta deposes in his statement i.e. Ex.D-1 that he purchased one Mobile Phone out of money of Shushila Gupta that is why some altercation took place between them and thereafter she consumed poison and suicide.
7. No one deposed during enquiry of death of deceased that respondent abused the deceased and insulted her, therefore, trial Court opined that subsequently improvement in the statement of witnesses is not reliable that respondent insulted the deceased.
8. The trial Court also discussed about call details and opined that it is not proved according to the law. Finding of the trial court is based on the materials on record and same is not based on irrelevant and extraneous material. If two views are

possible, the view taken in favour of the respondent/accused should be accepted.

9. The trial court has elaborately discussed the entire evidence and came to conclusion that the charge leveled against the respondent is not established. After re-assessing the entire evidence, this Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition.
10. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge