

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 848 of 2004**

Fuleshram S/o Ramadhar, aged about 25 years, R/o Bhathapara Khamharia,  
P.S. Sarsiwa, Distt. Raipur (C.G.)

**---- Appellant**

**Versus**

State of Chhattisgarh through District Magistrate, Raipur (C.G.)

**---- Respondent**

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|----------------|---|--------------------|
| For Appellant  | : | None               |
| For Respondent | : | Ms. Smita Ghai, PL |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Judgment on Board**

**08/01/2020**

1. By the impugned judgment dated 16/09/2004 passed in Sessions Trial No. 376/2003 by the IInd Additional Sessions Judge, Balodabazaar (C.G.), the Appellant has been convicted under Section 304-B of the IPC and sentenced to undergo RI for 7 years and to pay fine of Rs. 1000/- with default stipulation.
2. Facts of the case are that the Appellant is husband of the Deceased Janabai @ Gurubai. Their marriage was solemnized on 09/03/2003. On 23/07/2003, the Deceased committed suicide by pouring kerosene on herself and set her on fire. It is alleged that after the marriage, the Appellant used to torture the Appellant physically and mentally on account of demand of dowry. After Merg inquiry, offence has been registered. Statement of the witnesses under Section 161 of the Cr.P.C has been recorded. After completion of investigation, a charge-sheet has been filed. Trial Court framed the charges against the

Appellant as well as died accused Tejo Bai under Section 304-B of the IPC. As many as 12 prosecution witnesses have been examined. Statement of the Appellant under Section 313 of the Cr.P.C has been recorded, wherein he has pleaded his innocence and false implication in the matter. One defence witness has been examined namely Smt. Kanhiya Mati (DW1).

3. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
4. Since during the pendency of this appeal, co-accused Tejo Bai has died, therefore, this appeal has already been abated on her behalf vide order dated 28/08/2019.
5. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Bilaspur would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released 02/04/2009.
6. Since no one appears on behalf of the Appellant, therefore, I am going to decide this appeal on its merit.
7. I have heard Learned Counsel appearing for the State and perused the record.
8. There is no dispute on the point that within 7 years of marriage, the Deceased died in unnatural condition by pouring kerosene on herself and setting herself on fire.
9. In his Court statement, Bharat (PW7) Paternal uncle of the Deceased deposed that after the marriage, the Appellant used to torture the Deceased for bringing a colour TV and the Deceased complained to him about this fact. The above statement of this witness is duly

corroborated by Smt. Dashmat Bai (PW8). According to this witness, prior to 3 days of the incident when she visited to the house of the Appellant, the Deceased told her that the Appellant and his family members are demanding colour TV. She tried to bring the Deceased with her, but the Appellant refused that. Both the above witnesses have remained firm during their cross-examination. There is no evidence available on record, on the basis of which their statement can be disbelieved. From the statement of other witnesses also, it is clear that the Deceased was subjected to cruelty on account of demand of dowry. Apart from this, soon before her death, the Deceased was subjected to cruelty by the Appellant. Thus, the offence is duly proved against the Appellant and the trial Court has rightly convicted and sentenced to him.

10. Consequently, I do not find any merit in this appeal. The same is dismissed.

**Sd/-**  
**(Arvind Singh Chandel)**  
**Judge**