

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 512 of 2009**

- Deendayal Banjare, Aged about 59 years, S/o Chamru Ram Banjare, R/o Village Mahud, PS Chowki, District Rajnandgaon (CG)

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through PS Churiya, Police Chowki Chichola, District Rajnandgaon (CG)
2. Janki Bai Aged about 62 years, W/o Lt. Ramprasad Khobragade
3. Sanjay Khobragade, Aged about 35 years, S/o Lt. Ramprasad Khobragade
4. Hemlata, Aged about 33 years, D/o Lt. Ramprasad Khobragade, All of them are resident of Lalbahadur Nagar, PS Chichola, District Rajnandgaon (CG)
5. Vijaay Khobragade, Aged about 44 years, S/o Lt. Ramprasad Khobragade, Occupation Service in Medical Department, R/o Village Gumka, PS Ghumka, District Rajnandgaon (CG)

---- Respondent

For Applicant	Mr. Rakesh Thakur, Advocate
For Respondent /State	Mr. Chitrendra Singh, Panel Lawyer

**DB: Hon'ble Mr. Justice Prashant Kumar Mishra &
Hon'ble Mr. Justice Gautam Chourdiya**

Order On Board by Prashant Kumar Mishra, J.

28/2/2020

1. Heard.
2. This revision application is directed against the trial Court's judgment dated 23.6.2009 passed in Sessions Case No. 1/2009 acquitting the accused of the charges under Section 304-B/34 of IPC.
3. Deceased Deepti was married with accused No.2 Sanjay Khobragade on 10.2.2003. Deepti died of burn injuries on 8.6.2007 in her matrimonial home. The FIR-Ex.P/21 was lodged on 13.6.2007 alleging commission of cruelty in connection with demand of dowry by the accused persons. In substance, the parents of the deceased alleged that the accused persons were demanding a four wheeler in dowry and were subjecting the deceased to cruelty for her inability to satisfy their demand. Therefore, she was murdered or driven to commit suicide.
4. In the statements of PW-10 Deendayal, father of the deceased and PW-11 Jeswanta Bai, mother of the deceased, it is deposed that there was no demand of dowry at the time of or soon after the marriage. For initial 6-7 months, Deepti and Sanjay lived peacefully and happily. For the first time, she informed her parents about demand of dowry after 6-7 months of marriage. These two witnesses are conspicuously silent in respect of the demand of a four wheeler in the next 4-4 ½ years. The demand of a four wheeler made after 6-7 months of marriage was never made an issue before the Caste Panchayat or by lodging a

report with the Police. These two important witnesses are not making any statement as to whether the deceased was subjected to any kind of cruelty in the next 4-4 ½ years. It was only on 7.6.2007, when PW-11 Jeswanta Bai visited the residence of the deceased, some dispute occurred in her presence, in which, the respondents particularly accused No.1 Janki Bai ill-treated the deceased, which has come in evidence. Deceased Deepti was not pulling on well with her sister-in-law (accused No.3 Hemlata), which was the reason for her soured relation with her husband and other members of in-laws' family.

5. It appears probable that the deceased committed suicide because she was scolded or humiliated by accused No.1 Janki Bai in presence of her mother PW-11 Jeswanta Bai. Whatever may be the reason for the deceased' commission of suicide, the fact remains that there is no direct evidence of demand of dowry soon before the death.
6. PW-10 Deendayal and PW-11 Jeswanta Bai are not making any statement that any of the accused raised demand of a four wheeler directly to them. It was the deceased who informed these two witnesses that her husband and in-law's are ill-treating her on demand of a four wheeler. However, this too happened about 4-4 ½ years prior to the date of commission of suicide.
7. Considering the evidence on record, the reasons assigned by the

trial Court while acquitting all the accused of the charge under Section 304-B/34 of IPC, does not appear to be perverse.

8. No case for taking a different view in the matter is made out.
9. The revision has no substance, it fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

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