

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 407 of 2020**

- State Of Chhattisgarh Through Police Station Kurud, District Dhamtari Chhattisgarh

---- Petitioner**Versus**

1. Santram Sahu S/o Dhanajiram Sahu Aged About 55 Years
2. Kedarnath Sahu S/o Santram Sahu Aged About 22 Years
3. Surjabai Sahu W/o Santram Sahu Aged About 50 Years

All are residents of Village Seldeep, Police Station Kurud,
District Dhamtari (CG)

4. Smt. Tanuja Sahu D/o Kunjbihari Sahu Aged About 27 Years R/o Village Bharda Police Station Magarload, District Dhamtari Chhattisgarh

---- Respondent

For Petitioner/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.

19/2/2020

1. Heard on IA No.1, an application for condonation of delay in filing the CRMP.

2. On due consideration, the application is allowed and the delay is condoned.
3. Also heard on admission.
4. The trial Court has acquitted the accused of the charges under Section 304-B/34 of IPC vide judgment dated 17.9.2019 passed by the Additional Sessions Judge (FTC), Dhamtari in Sessions Case No.58/2018.
5. Deceased Malwantin Bai was married with accused No.2 Kedarnath Sahu on 13.3.2018. She died of suspected poisoning on 26.7.2018. It was alleged that the accused persons were committing cruelty for demand of dowry, therefore, the deceased committed suicide.
6. PW-18 Hiraudi Sahu, mother of the deceased, would admit that there was no demand of dowry before marriage although the accused persons demanded one Godrej Almirah after marriage, which was fulfilled immediately. She further admits in para 8 of her cross-examination that the accused persons have never demanded dowry directly nor any villager informed them that the accused persons have murdered the deceased. Deceased's father PW-19 Pyariram Sahu has also not made any significant statement proving demand of dowry either before or soon after the marriage.
7. In the absence of any demand of dowry or direct evidence for commission of cruelty in connection with such demand, the

ingredients of offence under Section 304-B of IPC is not available.

8. No case for grant of leave to appeal is made out.

9. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge