

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.409 of 2020

State of Chhattisgarh, through Police Station Lundra, District Surguja (C.G.)

---- Applicant

Versus

Surendra Gupta @ Somaru, S/o Late Ramdev Gupta, aged about 35 years, R/o Bheltarai, Police Station Sitapur, presently residing at Batwahi, Police Station Lundra, District Surguja (C.G.)

---- Respondents

For Applicant

Shri Chitendra Singh, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board By Shri Prashant Kumar Mishra J.

12/02/2020

1. On due consideration, delay of 263 days in filing the CRMP is condoned. Accordingly, IA No.1/2020 is allowed.
2. The Trial Court has acquitted the accused of the charges under Sections 306, 304 (kha) and 498 (Ka) of IPC.
3. The deceased Chanda Gupta was married with the accused in the year 1999. She committed suicide by setting herself ablaze in the morning of 14.08.2013. The FIR was lodged after one year of the incident. PW-4 Ku. Ritu Gupta, daughter of the deceased and the accused, speaks about cruelty and assault by the accused on the date of incident. However, PW-14 Urmila Gupta, mother of the deceased, admits that there was no dispute with the accused for about a year, but her son lodged the FIR only when the

dispute occurred concerning the house in which the accused resides. From the evidence available on record, it appears that the house where the accused resides was gifted to him by his in-laws. However, after death of Chanda Gupta, they started demanding back the house. It has also come in evidence that after about 8 months of the incident, the accused re-married and this may also be a reason for lodging the FIR. While disbelieving the statement of PW-4 Ritu Gupta, the Trial Court has assigned reason as to the strained relation between this witness and her grandmother. The Trial Court has not accepted the explanation for delay in informing the Police, as stated by PW-4, that the accused was threatening her. In their earlier diary statement (Ex-D-1 to D-4), the prosecution witnesses namely Urmila Gupta, Subhash Gupta and Pradeep Gupta have not made any allegation against the accused and on the contrary, they informed the Police that the deceased sustained accidental burn injuries.

4. On the basis of evidence on record, the view taken by the Trial Court is one probable view in the matter, therefore, this Court is not entitled to take a different view of the matter merely because the same view is also a probable view.
5. No case for grant of leave to appeal is made out.
6. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge