

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.2078 of 2019**

State Of Chhattisgarh Through The Incharge, Police Station
Jaijaipur, District - Janjgir - Champa Chhattisgarh

---- Petitioner**Versus**

Shankarlal Kurrey S/o Dhanaram Kurrey Aged About 36 Years R/o
Village Amakoni, Police Station Jaijaipur, District - Janjgir - Champa
Chhattisgarh

---- Respondent

For Petitioner/State : Mr. Raghvendra Verma, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****15/01/2020**

1. Heard on I.A. No. 01/2019, which is an application for condonation of delay in filing the instant petition.
2. For the reason mentioned in the application delay of 119 days in filing this instant petition is hereby 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 directed against judgment dated 25.01.2019, passed by 2nd Additional Sessions Judge, Sakti, District- Janjgir- Champa, C.G., in Sessions Trial No.23/17 wherein the said Court acquitted the respondent for charge punishable

under Sections 306 of IPC, 1860 for abatement of commission of suicide against her wife namely Aartibai.

5. In the present case, the name of the deceased is Aartibai, who died on 9th of March, 2017. It is alleged that said Aartibai committed suicide by hanging and as per autopsy report, the expert opined that it is a death of suicidal in nature. To substantiate the charge, the prosecution examined as many as 17 witnesses.
6. Ghasiram (P.W.-1) is father of the deceased, Budhiyarini Bai (P.W.-2) is mother of the deceased, Dular (P.W.-3) is brother of the deceased. All the three witnesses were resident of village Baladula, while the incident took place at village Chirradih. The place of incident is different to the resident of these witnesses, therefore, these witnesses have no occasion to see as to what is really going on in the house of deceased. Though these witnesses have deposed before the trial Court that deceased has informed them regarding harassment and beating by the appellant. But the fact remains that these witnesses had no occasion to see as to really what happened with the victim. The trial Court after evaluating the entire evidence recorded the finding that there is nothing on record to show that appellant has instigated the deceased but committed suicide or intentionally adding for the same or committed any conspiracy for offence in question. There should be live link between the act of the respondent and the suicide of the deceased but that link is missing in the present case.

7. View that is taken by the trial Court is one of the plausible view and it is settled law that if view taken by the trial Court is plausible and if two views are possible, the view which is in favour of respondent should be preferred. Looking to the facts and circumstances of the act and settled position of law, it is not a case where interference of this Court is required with the judgment of trial Court and also it is not a case where respondent should be called for hearing again for full consideration of this petition.
8. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge