

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 599 of 2011**

Smt. Ramli W/o Aayatu, aged about 30 years, R/o Village Udenar Badepara,
Police Station Barsoor, Distt. Dantewada (C.G.).

----Appellant**Versus**

State of Chhattisgarh through Police Station Barsoor, Distt. Dantewada (C.G.)

---- Respondent

For Appellant	:	Mrs. Anita Shrivastava, Advocate
For Respondent	:	Mr. Sushil Sahu, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****16/03/2021**

1. This appeal has been preferred under Section 374 (2) of Cr.P.C against the judgment dated 17/06/2011 passed in Sessions Trial No. 152/2010 by the Sessions Judge, South Bastar, Dantewada (C.G.), whereby the Appellant has been convicted under Section 304 Part-II of the IPC and sentenced to undergo RI for 10 years and to pay fine of Rs. 500/- with default stipulation.
2. Facts of the case are that the appellant is wife of Deceased Ayatu. According to the case of the prosecution, on 17/04/2010 at about 5:00 pm, the Deceased had quarreled with the appellant on the matter to dry the Mahua. She refused to do so. Thereafter, the Deceased slapped her. On this, the appellant assaulted the Deceased by a Lathi three times on his head, due to which the Deceased died. The incident was witnessed by Thokri (PW2), mother of the Deceased. On the next day, the matter was reported by father of the Deceased vide Ex.P-6. Inquest

proceeding was conducted vide Ex.P-8. Statements of witnesses were recorded under Section 161 of the Cr.P.C. After completion of investigation, a charge-sheet was filed. Trial Court framed the charges under Sections 302 and 323 of the IPC. As many as 9 prosecution witnesses have been examined. Statement of the Appellant under Section 313 of the Cr.P.C was recorded, wherein he has pleaded his innocence and false implication in the matter. Two defence witnesses have been examined.

3. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
4. Learned Counsel appearing for the Appellant submits that the trial Court has wrongly convicted the appellant without there being sufficient and clinching evidence on record. She further submits that at the time of incident, the appellant had taken wine and she was not having knowledge about the incident, but ignoring this fact, the trial Court has wrongly convicted the appellant.
5. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record as well as statement of the witnesses minutely.
7. In her court statement, the sole eye-witness of the case i.e. Thokri (PW2) has categorically stated that at the time of incident, there was some quarrel took place between the Deceased and the appellant and at

that time, she Saw that the appellant assaulted the Deceased by a Lathi due to which the Deceased sustained injuries on his head. When she tried to intervene, the appellant also pushed her. Statement of this witness on the point that the appellant had assaulted the Deceased on his head, has not been rebutted.

8. Sonaram (PW3) and Chetan (PW4) have also deposed that after the incident, a village meeting was called and before them, the appellant had admitted that she killed her husband. The above statements of these witnesses have also not been rebutted during their cross-examination.
9. From the statements of the above witnesses, it makes clear that the Deceased was assaulted by the appellant, due to which he died, therefore, in my considered view, the conviction of the appellant is in accordance with law.
10. Consequently, I do not find any merit in this appeal. The same is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge