

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1106 of 2017

1. Kalpana Barman, W/o Shri Tapan Barman, Aged About 39 Years, R/o Village P.V. 84, Bande, Police Station Bande, District Uttar Bastar Kanker, Chhattisgarh.
2. Tapan Barman, S/o Late Narottam Barman, Aged About 43 Years R/o Village P.V. 84, Bande, Police Station Bande, District Uttar Bastar Kanker, Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh Through The Police Station Bande, District Uttar Bastar, Kanker, Chhattisgarh.

---- Respondent

For Appellant : Shri Sanjeev Verma, Advocate.
For State/Respondent : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

19/07/2021

1. This appeal has been preferred against the impugned judgment dated 18/01/2017 passed in S.T. No.27/2015 by the Additional Sessions Judge (F.T.C.), Uttar Bastar Kanker, (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 304-B/34 of the I.P.C.	R.I. for 7 years.

2. In the present case, appellant no. 1 & 2 are the mother-in-law and

father-in-law of the deceased namely Neelima Barman. Marriage of Neelima Barman was solemnized with the son the appellants prior to two years of the alleged incident. On 24.08.2014, Neelima Barman committed suicide by pouring kerosene oil and set herself ablaze. It is alleged that soon after her marriage, both the appellants used to harass and torture the deceased on account of demand of dowry and was also subjected to cruelty. Thereafter, she committed suicide. After merging inquiry, offence was registered. After completion of the investigation, a charge-sheet was filed against appellants. Statement of the witnesses were recorded under Section 161 of the Cr.P.C. To prove the guilt of the accused/appellants, prosecution has examined as many as 18 witnesses. No defence witness has been examined. Statement of appellants under Section 313 of the Cr.P.C. was recorded, wherein accused/appellants have pleaded innocence and false implication in the matter.

3. After completion of trial, the trial Court has convicted and sentenced the appellants as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Jagdalpur, (C.G.) would mention that appellant No.1 namely Kalpana Barman and appellant No.2 namely Tapan Barman have been released from jail on 01/06/2020 after completion of jail sentence imposed by the trial Court.
5. Learned Counsel appearing on behalf of the appellants submits that appellants are innocent and are falsely implicated in the present case. He further submits that trial Court has wrongly convicted the appellants

without there being sufficient and clinching evidence against them. There are material contradictions and omissions occurred in the statement of the witnesses and the said fact has not been appreciated by the trial Court. Statement of the witnesses are not reliable. Therefore, conviction of the appellants are not sustainable.

6. I have heard learned Counsel appearing for the parties, perused the record, statement of the witnesses and other annexed documents minutely.
7. There is no dispute on the point that deceased was the daughter-in-law of the present appellants and her marriage was solemnized with their son prior to the two years of the alleged incident. Sandhya Vishwas (PW-8) and Arjun (PW-10) i.e. mother and father of the deceased respectively have supported the entire case of the prosecution and deposed accordingly. They have categorically stated that after the marriage of her daughter (deceased), she was subjected to cruelty on account of demand of dowry by her in-laws (appellants). Both the witnesses have remained firm during their cross-examination. Their statement is duly corroborated by Putul Vishwas (PW-4), Paresh Barai (PW-5), Rakesh Mishtri (PW-6), Makhan Devvrat (PW-9) and Jayant Manjhi (PW-18). Though, there are material contradictions and omissions occurred in the statements of the witnesses but they are not material.
8. On a minute examination of the evidence on record, it is clear that there is sufficient evidence against the appellants to hold them guilty. In my considered view, the trial Court has rightly convicted the appellants.

9. Consequently, the appeal has no merit and is, therefore, dismissed.

Sd/-
(Arvind Singh Chandel)
Judge