

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 854 of 2017

- Ved Singh Paikra S/o Pawan Singh Paikra, Aged About 40 Years R/o Village Pudu, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Appellant	:	None.
For Respondent/State	:	Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

10/06/2021

1. By the impugned judgment dated 27/12/2016 passed in S.T. No. 59/2016 by the learned Sessions Judge, District Bilaspur (C.G.), the Appellant has been convicted for the offence punishable under Section 306 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 5 years, and to pay fine of Rs. 500/-, with default stipulation.
2. According to the prosecution story, deceased Savita Paikra was married women of the Appellant. The Appellant was constantly harassing his wife physically and mentally. The deceased has informed about the harassment and torture given by her husband to her father and brother on several occasions. On 27.01.2016, due to

harassment of her husband, the deceased committed suicide by pouring kerosene oil on her and set herself on fire. Immediately after the incident, she was admitted in CIMS Hospital Bilaspur where her dying declaration was recorded. On 01.02.2016, during course of treatment, she died. Later on statement of witnesses recorded under Section 161 of Cr.P.C. After completion of investigation, charge-sheet has been filed. Trial Court has framed the charges. To prove the guilt of the Appellant, the prosecution has examined as many as 14 witnesses. No defense witness has 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.

3. After trial, the trial Court has convicted and sentenced the Appellant as mentioned in paragraph one of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Bilaspur District Bilaspur (C.G.) would mention that the Appellant has undergone the entire jail sentence imposed upon him by the Trial Court and already released from jail on 15.02.2020.
5. Since no one appears for the Appellant today, I decide this appeal on merits.
6. I have heard Learned Counsel appearing for the State and perused the record to assess the correctness of the impugned judgment of conviction.
7. In their Court statement Pratapsingh Paikra (PW-1), Babulal (PW-2), Champa Bai (PW-4) and Shyam Singh (PW-9) supported the entire case of prosecution and deposed according to the case of prosecution.

On 28.01.2016, dying declaration of the deceased was recorded by Tehsildar Hemlata Sahoriya (PW-10). In her dying declaration also, the deceased declared that due to torture given by the Appellant, she poured kerosene oil on her and set herself on fire. The statements of above witnesses were not duly rebutted during their cross-examination.

8. From the evidence available on record and looking to the entire case of prosecution there is sufficient evidence available on record against the Appellant and the crime has duly proved against him. Thus, the learned trial Court has rightly convicted the Appellant.
9. Consequently, the appeal has no merit and the same is liable to be and is hereby dismissed.

Sd/-
(Arvind Singh Chandel)
Judge