

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 595 of 2021

1. Maan Singh Banjare, S/o Guhira Banjare, Aged About 45 Years, R/o Village Thakurdera, Police Station - Jarhagaon, District – Mungeli, Chhattisgarh.
2. Guhira Banjare, S/o Late Laindas Banjare, Aged About 70 Years, R/o Village Thakurdera, Police Station - Jarhagaon, District – Mungeli, Chhattisgarh.
3. Smt. Bahura Banjare, W/o Guhira Banjare, Aged About 65 Years, R/o Village Thakurdera, Police Station - Jarhagaon, District – Mungeli, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station - Dipka, District - Korba Chhattisgarh, District : Korba, Chhattisgarh. **---- Non-Applicant**

For Applicants : Ms. Sharmila Singhai, Senior Advocate
alongwith Mr. Kanwaljeet Singh Saini,
Advocate.

For Non-Applicant/State : Mr. Adil Minhaj, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

08.11.2021

- 1) The applicants have filed under Section 397 & 401 of CrPC challenging the order dated 06.03.2021 passed by the First Additional Sessions Judge, Katghora, District- Korba (C.G.) in Sessions Trial No. 13/2021 for framing charge u/s 304-B/34 of IPC, in alternate 302/34 of IPC against them.
- 2) Applicant No.1 Maan Singh Banjare is the brother-in-law of the deceased Sarojani Banjare whereas applicants Nos.2 & 3 namely Guhira Banjare & Smt. Bahura Banjare are the father & mother-in-law of the deceased. As per prosecution case on 22.11.2019 at about 19.15 hrs. deceased Sarojani Banjare

committed suicide by setting her ablaze as she was being subjected to cruelty by the applicants in connection with demand of dowry.

- 3) Learned counsel for the applicants that the impugned order charge framing is per se illegal and rash in contrary to the material available with the charge-sheet. Even if entire prosecution case is taken as it is, the ingredients necessary for attracting the offence charge against the applicant are extremely missing in this case and therefore, impugned order is liable to be set-aside.
- 4) On the other hand learned State counsel supports the impugned order.
- 5) True it is that the deceased died due to burn injuries within 7 years of her marriage and as per statements of mother, father, brother and other witnesses, the deceased was being subjected to cruelty by the applicants in connection with demand of dowry. As per *post-mortem* report the cause of death is excessive burn injuries and its complications. It has not been mentioned in the *post-mortem* report whether the death was homicidal or suicidal. In these circumstances, in view of the oral and documentary evidence, the circumstances in which the death of the deceased occurred, the charges u/s 304B/34 and in alternate 302/34 framed by the trial Court cannot be said to be defective or contrary to the material collected by the prosecution. Being so, this Court finds no illegality or perversity in the impugned charge framing order.
- 6) Accordingly, the revision being without any substance is liable to be dismissed and is hereby dismissed.

Sd/-

**(Gautam Chourdiya)
Judge**