

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 319 of 2015**

- Parmeshwar Sahu, S/o Jageshwar Ram Sahu Aged About 28 Years R/o Village Semra, Motinagar, Police Station Bhakhara, Civil and Rev. Distt. Dhamtari, Chhattisgarh.

---- Appellant**Versus**

- State of Chhattisgarh Through Police Station Bhakhara, Civil And Rev. District Dhamtari, Chhattisgarh.

---- Respondent

For Appellant : None

For State/Respondent : Smt. Dipti Shukla, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****08/02/2021**

1. This appeal has been preferred against the impugned judgment dated 01/01/2015 passed in S.T. No.12/2014 by the Sessions Judge, Dhamtari, District – Dhamtari, (C.G.) wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 304 of the I.P.C.	R.I. for 7 years and fine of Rs.10/- with default stipulations.
U/s 201 of the I.P.C.	R.I. for 3 years and a fine of Rs.10/- with default stipulations.
Both sentences to run concurrently	

2. In the present case, appellant is the husband of deceased Tameshwari @ Mamta Sahu. A merger intimation was lodged by the appellant on 02/5/2014 at around 10:30 am. It was informed by the appellant that on 01/05/2014 at around 9:00 PM, all family members, including Tameshwari Sahu (deceased), took meal and all of them went to sleep. On next morning, it was found that Tameshwari did not awake and vomit was found near her body which was smelling like poisonous substance. On inquiry, Tameshwari Sahu was found dead. Thereafter, inquest proceeding was conducted. During course of investigation, on the basis of memorandum statement of appellant, broken bangles were seized from the body of deceased. Statement of the witnesses were recorded under Section 161 of Cr.P.C. After completion of the investigation, a charge-sheet was filed. To prove the guilt of the accused/appellant, prosecution has examined as many as 10 witnesses. No defence witness has been examined. Statement of appellant under Section 313 of the Cr.P.C. was recorded, wherein accused/appellant has pleaded his innocence and false implication in the matter.
3. After completion of trial, the trial Court has convicted and sentenced the appellant as mentioned in paragraph 1 of this judgment. Hence, this appeal.
4. A certificate of incarceration sent by the Jail Superintendent, Central Jail, Raipur, (C.G.) dated 07/04/2020 would mention that appellant has undergone the entire jail sentence imposed upon him by the trial Court and already released on 16/06/2019.

5. No one appears on behalf of appellant today. Finding the correctness of judgment of the trial Court, I decide this appeal on merits.
6. I have heard learned Counsel appearing for the State, perused the record, statement of witnesses and memo of appeal to assess the correctness of the impugned judgment of conviction.
7. It is not in dispute that the deceased was wife of the appellant and she was found dead in the house of the appellant. From the statements of Lakhanlal (PW-1) who is father of the deceased and Mansingh (PW-2) who is the brother of the deceased, it is well-established that after the marriage of Tameshwari Sahu (deceased), appellant had been committing mar-pit with her. There was continuous dispute between them. From the evidence adduced by the prosecution, and on the basis of disclosure statement of the appellant, broken bangles were found from body of the appellant. Deceased was the wife of the appellant and she was found dead in the morning. Appellant has not submitted any explanation as to how dead body of his wife was found at the house. From the perusal of the *post-mortem* report, and as per the opinion given by the doctor, nature of death of the deceased was homicidal and some injuries were also found on the dead body.
8. On a minute examination of the evidence on record, it is clear that there is sufficient evidence against the appellant to hold him guilty. In my considered view, the trial Court has rightly convicted the appellant.
9. Consequently, the appeal has no merit and is, therefore, dismissed.

Sd/-
(Arvind Singh Chandel)
Judge

