

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 1453 of 2015**

- Sunderi @ Jhapi wife of late Lalsai Uraon, aged about 55 years, Occupation – Cultivation, resident of Village – Kerju, Kumansiya, Police Station – Sitapur, District – Surguja (C.G.).

---- Appellant**Versus**

- The State of Chhattisgarh Through the Police Station – Sitapur, District – Surguja, Chhattisgarh.

---- Respondent

For Appellant	:	None
For State/Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****15/02/2021**

1. This appeal has been preferred against the impugned judgment dated 29/09/2015 passed in S.T. No.51/2015 by the Sessions Judge, Surguja, (Ambikapur), Chhattisgarh, wherein appellant has been convicted and sentenced as under :

<u>Conviction</u>	<u>Sentence</u>
U/s 304 Part II of the I.P.C.	R.I. for 7 years and fine of Rs.500/- with default stipulations.

2. In the present case, name of the deceased is Lalsai Uraon, who was the husband of the appellant. According to the case of the prosecution, on 12/3/2015, at around 9:00 a.m., when complainant Filmohan visited the house of the appellant, he saw that the deceased Lalsai was lying dead in bed in cot and deceased sustained various injuries over his head and face. At that time appellant was present at the spot. Extra-judicial confession of the appellant was made before Filmohan and according to that in the intervening night of 11-12/3/2015, due to some dispute, appellant assaulted the deceased with the help of stone block. A merg report was lodged by Filmohan vide Ex.P-1 on the basis of which F.I.R. i.e. Ex.P-2 was lodged. Thereafter, inquest proceeding was conducted vide Ex.P-4. *Post mortem* of dead body was conducted by Dr. G.R. Kurre. (PW-4). His report is Ex.P-12. Statement of the witnesses were recorded under Section 161 of Cr.P.C. Statement of Filmohan under Section 164 of Cr.P.C. was also recorded. After completion of the investigation, a charge-sheet was filed for the offence punishable under Section 302 of the I.P.C. To prove the guilt of the accused/appellant, prosecution has examined as many as 9 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 her 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. Learned State Counsel submits that appellant has been released from

jail on 21/04/2020 after remission and completion of jail sentence imposed upon her by the trial Court.

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 and statement of witnesses to assess the correctness of the impugned judgment of conviction.
7. It is not in dispute that the deceased was husband of the appellant and he was found dead inside the house. There is also no dispute on the point that on the date of incident, appellant and deceased were together residing in the house.
8. In the present case, there is no eye-witness and according to the case of the prosecution, extra-judicial confession of the appellant was made before Filmohan (PW-1) but he has not supported the case of the prosecution and turned hostile. But from the circumstantial evidence adduced by the prosecution, it is well-established that dead body of the deceased was found inside the house of the appellant, thereafter, on the early morning appellant went to the house of her daughter Guruwari (PW-2) and informed her about death of her father. No such explanation has been given by the appellant that how her husband was found dead in the house. Said circumstance goes against her. Apart from this, stone block was found from the possession of the appellant having blood stain on it.
9. On a minute examination of the evidence on record, it is clear that there is sufficient evidence against the appellant to hold her guilty. In

my considered view, the trial Court has rightly convicted the appellant.

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

**Sd/-
(Arvind Singh Chandel)
Judge**

Prakash