

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1050 of 2016

- Baleshwar S/o Baliram Aged About 33 Years R/o Village Garka, Police Station Keshkal, District Kondagaon, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through The District Magistrate, Kondagaon, Chhattisgarh. Station House Officer, Police Station Keshkal, District Kondagaon, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

28/06/2021

1. By the impugned judgment dated 21/06/2016 passed in Sessions Trial No. 63/2012 by the learned Additional Sessions Judge, Kondagaon (C.G.), the Appellant has been convicted for the offence punishable under Section 304-B of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 10 years.
2. According to the case of prosecution, deceased Nandini Bai was wife of the Appellant. Their marriage was solemnized in the year 2004, allegedly, after 5-6 months of their marriage, the Appellant on account of demand of dowry, ill-treated the deceased due to that on 19.09.2006, the deceased died in unnatural circumstances. Thereafter, morgue report was lodged. On the basis of morgue report,

offence has been registered against the Appellant. Later on statement of the witnesses recorded under Section 161 of the 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 12 witnesses. One defense witness has been examined by the Appellant. 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, Jagdalpur District Bastar (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 24.06.2020.
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. I have also gone through the statements of the witnesses.
7. There is no dispute on the point that within seven years of marriage of the deceased, she died in unnatural circumstances. According to the opinion given by Autopsy Surgeon, the deceased was died by consuming some poisonous substance. In their Court statement Katharam (PW-10), father of the deceased supported the entire case of prosecution. Janakram (PW-4) corroborated the statement of

Katharam (PW-10). Both the above witnesses remain firmed during their cross-examination. There is nothing on record on the basis of which their statements can be disbelieved.

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