

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2323 of 2019**

State of Chhattisgarh, Through Police Station City Kotwali, District Rajgarh (C.G.).

---- **Petitioner**

Versus

Premshankar Rana S/o Gokul Rana, Aged about 29 years R/o Kosampali Kumharpara, Police Station Chakradharnagar, District Raigarh (C.G.).

--**Respondent**

For Petitioner	:	Mr. Shakti Singh Thakur, PL
For Respondent	:	None

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

09/12/2021

Heard on admission.

1. The instant CRMP under Section 378 (3) of the Code of Criminal Procedure has been preferred for grant of leave to appeal against the judgment of acquittal dated 28/03/2019 passed in Sessions Case No. 92/2018 (State of Chhattisgarh v. Premshankar Rana) by the Fifth Additional Sessions Judge, Raigarh whereby the respondent/accused has been acquitted from the charges framed under Section 306 of the IPC.
2. Counsel for the State submits that the finding recorded by the trial Court is improper, unjust and unjustified. The accused/respondent used to beat her wife i.e. Deceased Kusum (henceforth 'the Deceased'). He also used to harass and torture her due to which the Deceased committed suicide by

hanging herself in her house at Chakradharnagar, District Raigarh at about 9:00 am on 16/06/2018. So, he prays to grant leave to appeal against the impugned judgment.

3. I have heard counsel for the petitioner and gone through the statement recorded by the prosecution and other record minutely.
4. In order to prove the case of the prosecution, the prosecution has examined as many as 13 witnesses namely Mandakini Chakravarty (PW1), mother of the deceased, Narmada Kumbhkaar (PW2), relative of the deceased, Laxman Chakravarty (PW3), brother of the deceased, Mehatar (PW4), father of the deceased, Basantirani (PW5), sister-in-law of the deceased, Ramkumari (PW6), sister of the deceased, Saran Bhoi (PW7), Rajendra Prasad Kumbhkaar (PW8), brother-in-law of the deceased, Aavdhut Rathiya (PW9), Daulat Ram (PW10), Dr. Prakash Kumar Chetwani (PW11) who conducted postmortem of deceased on 17/06/2018 vide Ex.P-18, SI Jawaharlal Rathore (PW12) and ASI Sashidev (PW13) who recorded merg intimation vide Ex.p-16.
5. Mehatar (PW4), father of the deceased in para 14 of his cross-examination has stated that at the time of death of his daughter, he had not gone to her house so he did not know under what circumstance the deceased died. The deceased was married to the accused/respondent 7-8 years prior to the incident. It has been alleged by this witness that the accused/respondent after consuming liquor used to beat her daughter. Even prior to 15 days of the incident, the deceased made a call over phone and said that the appellant had beaten her and she requested her father to bring her back.

This witness further states that when they went to the house of the accused/respondent, mother-in-law of the deceased told them the quarrel between husband and wife was usual and they would be fine and together after some time. Therefore, he did not bring the deceased with him.

6. Counsel for the prosecution is not able to demonstrate any evidence relating to abetment for committing suicide. There is no evidence that the accused/respondent instigated the deceased or intentionally aided by an act or illegal omission or anyway conspired for abetment of suicide, so only because there was no cordial relation between the husband and wife and the appellant used to beat his wife after consuming liquor, it cannot be said that the appellant wanted his wife to commit suicide.
7. So this Court is of the view that the trial Court has properly appreciated the evidence and rightly held that the prosecution has failed to prove the charges against the accused/respondent. No substantial ground is made by the prosecution to grant leave to appeal.
8. Accordingly, this Court does not find any substance in this petition to grant leave to appeal. The CRMP is liable to be and is hereby dismissed.

Sd/-
(Deepak Kumar Tiwari)
Judge