

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No.144 of 2020**

State Of Chhattisgarh Through Police Station Ambikapur, District Surguja,
Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh ---- **Petitioner**

Versus

Lalluram Beck S/o Sundar Sai Beck Aged About 25 Years R/o Village Luchki,
Police Station Ambikapur, District Surguja, Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh -----**Respondents**

For Petitioner/State: Shri Gurudev I Sharan, Government Advocate.

Single Bench:Hon'ble Shri Deepak Kumar Tiwari J
Order On Board

10.12.2021

1. This is an application for grant of leave to Appeal under Section 378(3) Cr.P.C against the judgment of acquittal dated 24.08.2018 by the Court of 1st Additional Sessions Judge, Ambikapur, District Surguja (CG) in Sessions Case No.12/2017 whereby, the accused/Respondent has been acquitted from the offence punishable under Section 306 IPC.
2. Brief facts of the case are that on 31.03.2016, the Respondent/husband of the deceased Bindeshwari gave information in the police station Ambikapur that on 30.03.2016, when he went to Parsapali and returned back home, his wife was making noise "*bachao bachao*". As he felt that she might have consumed poison, therefore, he took her to District Hospital, Ambikapur on his motorcycle from where, she was referred to Mission Hospital, Ambikapur, where she died. Thereafter, he took her body home. On the said information, merger intimation No.32/2016 was recorded and after enquiry, FIR (Ex.P-15) was registered on 11.08.2016. After completing investigation, the charge sheet was filed.

3. In order to prove its case, prosecution has examined as many as 18 witnesses. The accused/Respondent has denied the charge leveled against him and in his statement, he has stated that he has been falsely implicated and given no evidence in defence.

4. Learned Counsel for the State submits that the trial Court has erred by acquitting the accused/Respondent from the charge leveled against him and the evidence was not properly appreciated as the deceased died due to harassment and cruelty by the accused/Respondent and on the date of incident, when Kamal Bhagat (PW-7) went to the house of the accused/Respondent, on the said date, the deceased tried to tell him something but, the accused/Respondent obstructed her and, therefore, it is prayed that leave to Appeal may be granted.

5. Heard and perused the statements of the prosecution witnesses minutely.

6. Beeru Ekka (PW-4), the father of the deceased deposed that marriage of the deceased was solemnized with the accused/Respondent three years prior to the incident and out of the said wedlock, one daughter was born. Mother of the deceased Sumitra Ekka (PW-6) has turned hostile and prosecution has examined them after declaring them hostile. In para-3 of the statement of mother Sumitra Ekka (PW-6), she denied that the accused/Respondent beaten his daughter and in para-4 of her statement, she has stated that she did not know the reason behind her daughter's death. In para-5 of her statement, she has stated voluntarily that quarrel between a wife and husband is common.

7. Father of the deceased Beeru Ekka (PW-4) deposed that on the date of incident, when his younger brother Komal Bhagat (PW-7) went to the house of the deceased, his daughter told him that she wanted to go to her

maternal home along with him but, her in laws have not agreed to send her. Beeru Ekka (PW-4) has admitted in his cross-examination that his daughter used to often and come and go to her maternal home and it appears that there was no restriction from the accused/Respondent or from her in-laws in this regard.

8. Komal Bhagat (PW-7) has stated that on the date of incident, while returning from his school, he had gone to the house of the deceased and told to the deceased to come along with him but the accused/Respondent refused to send her and the deceased wanted to tell him something but the accused/Respondent stopped her from saying anything.

9. From the aforesaid evidence, it is explicit that though the accused/Respondent/husband used to beat her, but there is no iota of evidence that he wanted her to commit suicide. Only on refusal by the accused/Respondent for the deceased wife to go to her maternal home, it cannot be said that he instigated or abetted her to commit suicide.

10. The trial Judge has considered the entire evidence at length and recorded a conclusion that the necessary ingredients to attract the provisions of Section 306 IPC have not been established. This Court also, on re-examination of the aforesaid evidence, does not find any reason to defer with the said view and therefore, the conclusion arrived at by the trial Judge is hereby affirmed.

11. Accordingly, there is hardly any justification for interference in the said judgment. Therefore, the Petition is liable to be and is hereby dismissed.

Sd/-

(Deepak Kumar Tiwari)
JUDGE