

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLLP No.31 of 2016

State of Orissa

.....

Appellant
Mr. Sk. Zafrulla, ASC

-Versus-

Atulya Nayak & others

.....

Respondents

CORAM:

**JUSTICE C.R. DASH
JUSTICE SAVITRI RATHO**

ORDER
17.02.2022

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
2. Heard.
3. This is a petition for leave to appeal against the order of acquittal under Sections 498-A/306/406/304-B/34 IPC and Section- 4 of the D.P. Act.
4. The prosecution has examined eighteen witnesses to prove the charge including the mother (P.W.4) and brothers (P.Ws.6 & 7) of the deceased. P.W.8 is the sister-in-law of the deceased, being the wife of P.W.7. P.Ws. 1 & 2 are two independent witnesses and co-villagers of the accused persons. P.Ws. 10 & 11 are two other independent

witnesses, who would have testified about the disclosure made to them by the deceased prior to her death relating to ill-treatment. P.W.14 is the person, who had intimated the informant over phone about the death of the deceased. P.W.17 is the Medical Officer and P.W.18 is the Investigating Officer.

5. Perusal of the impugned Judgment shows that, the learned trial court has thoroughly gone into evidence on record and has disbelieved the factum of demand of dowry and the consequent ill-treatment meted out to the deceased. The cause of death of the deceased is opined to be suicidal by P.W.7. Though the father and mother of the deceased (P.Ws. 3 & 4) respectively have supported the allegation of demand of dowry, the brothers of the deceased have not supported such evidence including the independent witnesses.

6. Having gone through the impugned Judgment, in our considered view, it merits no interference and we do not find any infirmity in the same.

7. Accordingly, the CRLLP is dismissed.

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C.R. Dash, J.

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Savitri Ratho, J.



