
(2018) 03 CHH CK 0085
In the Chhattisgarh High Court
Case No : Criminal Appeal No.1267 of 2002

SMT.DROPADI BAI

APPELLANT

Vs

STATE OF CHHATTISGARH

RESPONDENT

Date of Decision : 19-03-2018

Acts Referred:

Indian Penal Code, 1860 — Section 306, 498A

Code of Criminal Procedure, 1973 — Section 161, 313, 437A

Citation : (2018) 03 CHH CK 0085

Hon'ble Judges : ARVIND SINGH CHANDEL

Bench : Single Bench

Advocate : Vishnu Koshta, R.K. Jaiswal

Final Decision : Allowed

Judgement

Conviction,Sentence

Under Section 306 of the

Indian Penal Code","Rigorous Imprisonment for 7 years and

fine of Rs.5,000/- with default

stipulation

Under Section 498A of the

Indian Penal Code","No separate sentence has been

imposed

13. Shivbati (PW2), mother of the deceased has stated that in the evening of the date of incident when her son-in-law Tilakram (PW4) had come to",

her house, he had told her that a quarrel had taken place between the Appellant and the deceased in the morning and also in the agricultural field in the",

afternoon. She has further stated that in the month of Magh (as per Hindu Calendar), when the deceased had come to her house (paternal house), she",
had told her that due to her being childless, the Appellant used to quarrel with her and torture her. She has further stated that the Appellant used to",
address the deceased as a Banjh. But, this fact is not mentioned in her case diary statement (Ex.D1). In paragraph 5, she has admitted that in the",
month of Magh, when the deceased had told her about the quarrel and torture being given to her by the Appellant, the deceased had not told her",
anything about the quarrel or torture took before or after the month of Magh.,

14. Gangaram (PW3), nana (maternal grandfather) of the deceased, who is the witness of inquest (Ex.P2) has also categorically stated that the",
deceased used to visit his house, but she did not tell him anything about the alleged quarrel.",

15. On minute examination of the above evidence, it is clear that husband Tilakram (PW4) and dever Ganesh (PW5) have not supported the case of",
the prosecution regarding quarrel between the Appellant and the deceased. Gangaram (PW3), maternal grandfather of the deceased has also not",
supported the case of the prosecution. Though Videshram (PW1), father of the deceased has stated that on the deceased's coming to her paternal",
house, she had told about the quarrel taking place between the Appellant and her on account of her being childless, but he has admitted the fact that",
this fact was told by the deceased to her mother not to him.,

16. Shivbati (PW2), mother of the deceased has only alleged that the deceased had told her in the month of Magh that the Appellant used to harass",
her due to her being childless, but the deceased never made her any such complaint before or after the month of Magh. Even if for the sake of",
argument, it is considered that any such incident had taken place in the month of Magh, there is nothing on record to show that on the date of incident",
any quarrel had taken place between the Appellant and the deceased. From the admission made by Videshram (PW1), father of the deceased, it is",
also clear that the deceased always remained under frustration because of her being childless. He never called any village meeting or made any report,
against the alleged quarrel taking place between the Appellant and the deceased. Thus, it cannot be ruled out that the deceased herself committed",
suicide due to the frustration of her being childless. From the evidence available

on record, case of the prosecution against the Appellant under",

Sections 306 and 498A of the Indian Penal Code is not established beyond reasonable doubt.,

17. Consequently, the appeal is allowed. The impugned judgment of conviction and sentence is set aside. The Appellant is acquitted of the charges",

framed against her.,

18. It is reported that the Appellant is on bail. Her bail bonds shall continue for a further period of six months from today in view of the provisions,

contained in Section 437A of the Code of Criminal Procedure.,

19. Record of the Court below be sent back along with a copy of this judgment forthwith for information and necessary compliance.,