
(2019) 07 CHH CK 0152

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 1308 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Ramphool Yadav

RESPONDENT

Date of Decision : 24-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 304

Citation : (2019) 07 CHH CK 0152

Hon'ble Judges : Prashant Kumar Mishra, J;Gautam Chourdiya, J

Bench : Division Bench

Advocate : Vikash Shrivastava

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. Heard on IA No.1, an application for condonation of delay of 241 days in filing the CRMP.
2. On due consideration, the application is allowed and the delay is condoned.
3. Also heard on admission.
4. The trial Court has acquitted the accused of the charge under Section 304 of IPC.
5. The accused has allegedly committed culpable homicide not amounting to murder of his second wife Sukruta at about 10:30 am on 10.6.2014. According to the prosecution case, the deceased was instigating for visiting her parental house, whereupon, a dispute and altercation took place, in which, the accused gave 3 slap assaults to the deceased and pushed her, due to which, she dashed against the door and sustained head injuries, which resulted in her death.
6. As has been found by the trial Court, there is no evidence that the accused had given 3 slap assaults and pushed the deceased at the time of occurrence.

Similarly, there is no evidence led by the prosecution that any dispute or altercation had taken place between the accused and the deceased at the time of the incident.

7. In view of the inconclusive and weak evidence led by the prosecution, the finding recorded by the trial Court that the offence alleged against the accused is not proved, does not appear to be perverse. It is also to be seen that the incident had taken place on 10.6.2014, whereas, the FIR was registered after about 3 years i.e. 12.4.2017.

8. Considering the nature and quality of evidence available on record, no case for grant of leave to appeal is made out.

9. The CRMP is dismissed.