

(2019) 11 CHH CK 0057

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition No. 2543 Of 2019

State Of Chhattisgarh Through

APPELLANT

Vs

Bhagwati And Ors

RESPONDENT

Date of Decision : 25-11-2019

Acts Referred:

Indian Penal Code, 1860 — Section 302, 304B

Citation : (2019) 11 CHH CK 0057

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

Bench : Division Bench

Advocate : Pawan Kesharwani

Final Decision : Dismissed

Judgement

1. Heard.
2. On due consideration, delay of 44 days in filing the present CRMP is condoned. Accordingly, I.A. No1 is allowed.
3. The trial Court has acquitted the accused persons of the charges under Section 304 B of the IPC in alternate Section 302 of the IPC.
4. Respondent No.1, Bhagwati, is the mother-in-law, whereas Respondent No.2, Manoj, is the husband of deceased Lileshawari, who committed suicide in her matrimonial house within 6 months of the marriage.
5. The prosecution has examined PW-1, Lakhanlal Jagat (father), PW-2, Dhan Bai (mother), PW-3, Dhan Singh (brother) and PW-5, Gyani Kuamr Paleshwar (brother) of the deceased. The witnesses have stated that there was no demand of dowry at the time of marriage or soon thereafter. They also admit that family of the accused are better off than their family. They also admit that the family of the accused has more land, motor cycle and tractor in their house.
6. According to the witnesses, the deceased used to inform them that the accused persons are demanding motor cycle and are not treating her well by

commenting on quality of her household work and the food cooked by her. PW-3, Dhan Singh, has also stated that the deceased informed him that whenever any marriage invitation is received her husband attends the function alone despite her desire to accompany him. It has also come in evidence that at the time of Rakshabandhan Respondent-Manoj, did not take her to her parental house for which the deceased was perturbed. Since the incident has happened after 3 days of Rakshabandhan the immediate cause for commission of suicide appears to be the husband's refusal to take her to her parental house at the time of Rakshabandhan.

7. Considering the totality of evidence on record it appears the trial Court's view is one possible view in the matter, therefore, in such a case the judgment of acquittal cannot be converted into judgment of conviction.

8. No case for grant of leave to appeal against the acquittal is made out. Accordingly, CRMP deserves to be and is hereby dismissed.