

(2019) 09 CHH CK 0157

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 2157 Of 2019

State Of Chhattisgarh Through -District Magistrate Raigarh

APPELLANT

Vs

Ajay Kumar Chouhan

RESPONDENT

Date of Decision : 25-09-2019

Acts Referred:

Indian Penal Code, 1860 — Section 304ख

Citation : (2019) 09 CHH CK 0157

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

Bench : Division Bench

Advocate : Avinash Choubey

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. On due consideration delay of 10 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application for condonation

of delay occurred in filing of the Cr.M.P. is allowed.

2. The trial Court has acquitted the accused of the charge under Section 304- of I.P.C.

3. The accused and deceased were married on 04.05.2017. Deceased committed suicide by hanging on 03.03.2018. At that CRMP No. 2157 of 2019

time she was carrying 07 months pregnancy.

4. Jehrual Chouhan (PW-1), father of the deceased, Fulkumari Chouhan (PW-2), mother of the deceased, Pehrulal Chouhan (PW-3), uncle of the

deceased, Manisha Chouhan (PW-5), sister of the deceased and Sanjay Kumar Chouhan (PW-6), brother of the deceased have stated that they

belong to Ganda () community in which there is no system of dowry. They have

gifted household articles like bed, almira etc of their own,
without there being any demand of dowry.

5. There is clear admission on the part of the witnesses that the accused has never demanded dowry in any form from them either before or after the marriage. Initially, allegation of demand of motor-cycle was made but in the statements of witnesses it is clearly stated that the accused already owns a motor-cycle and whenever he used to visit the house of his in-laws, he used to come on his own motor-cycle.

6. There being lack of material to substantiate the allegation of demand of dowry soon before the death, the basic ingredients of offence under Section 304- of I.P.C. is not available. No case for grant of leave to appeal is made out.

7. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.