

(2013) 07 MP CK 0305

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 643 of 2012

The State of Madhya Pradesh

APPELLANT

Vs

Irfan and Others

RESPONDENT

Date of Decision : 10-07-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 161, 378(3)
Penal Code, 1860 (IPC) — Section 302, 304B, 306, 34, 498A

Citation : (2013) 07 MP CK 0305

Hon'ble Judges : Shantanu Kemkar, J; Mool Chand Garg, J

Bench : Division Bench

Advocate : B.L. Yadav, Deputy A.G, for the Appellant;

Judgement

1. Heard on the question of admission. This is an application filed u/s 378(3) of the Code of Criminal Procedure for grant of leave to appeal against the judgment of acquittal dated 21.10.2011 passed by the Additional Sessions Judge, Shajapur in Sessions Trial No. 310/2008, whereby the learned Judge has acquitted the respondents/accused from the charge of commission of offence under Sections 302 /34 or 306 /34 or 304-B /34 and Section 498-A /34 of the Indian Penal Code.

2. The prosecution story, in brief, is that on 06.04.2008, when deceased Afsana Bee, who was wife of Irfan Khan, sister-in-law of Iqbal and daughter-in-law of Peer Khan, was all alone in the house, had committed suicide by hanging or was being killed. After investigation, the Police filed the charge-sheet against the respondents. The trial Court recorded the evidence led by the prosecution and passed the impugned judgment of acquittal; against which, this application for leave to appeal has been filed by the State.

3. The trial Court appreciated the evidence led by the prosecution and held that there is no reliable evidence led by the prosecution to implicate the respondents for the alleged offence. The prosecution story about demand of dowry was also not believed by the trial Court, in view of the fact that the witnesses did not say about the demand of dowry in their statements recorded u/s 161 of the Code of

Criminal Procedure; whereas for the first time in the Court, they levelled the said allegations. The trial Court also noticed that the deceased was suffering from serious ailment and was ill; she was suffering from mental and physical pain for last three years and therefore, it held that she had committed suicide.

4. On going through the impugned judgment and the evidence available on record, we are of the view that the trial Court has committed no error in passing the judgment of acquittal against the respondents. As a result, no case is made out for grant of leave to appeal in the matter. The application is, therefore, rejected.