



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1256 of 2021

- Rekh Ram Sahu, S/o Late Shatrughan Sahu, Aged About 27 Years, R/o Village Dadarjhhori, Police Station Gobra- Nawapara, District Raipur, Chhattisgarh. **---- Appellant**

Versus

- State of Chhattisgarh, Through P.S. Gobra- Nawapara, District Raipur, Chhattisgarh. **---- Respondent**

21.07.2022	Shri Pawan Kesharwani, counsel for the appellant. Shri R.C.S. Deo, P.L. for the State/respondent. Heard on I.A. No. 01/2021, application for suspension of sentence and grant of bail. The appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 23.09.2021 passed in Sessions Case No.106/2020 by the Third Additional Sessions Judge, District- Raipur (C.G.) as under:- <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 498-A of IPC</td><td>R.I. for 3 years with fine of Rs. 500/- and in default in payment of fine amount, additional R.I. for 1 months.</td></tr><tr><td>Under Section 304-B of IPC</td><td>R.I. for 7 years</td></tr></table> Learned counsel for the appellant submits that there is no reliable evidence against the present appellant to involve him in this case, essential ingredients of the offence for convicting the appellant are missing. He further submits that statements of deceased's parents PW/1 Govind Ram Sahu & PW/18 Kalyani Bai Sahu does not inspire the confidence, it is not a case where deceased was subjected to cruelty which result to her death, the allegations which have been levelled against the appellant is general in	Conviction	Sentence	Under Section 498-A of IPC	R.I. for 3 years with fine of Rs. 500/- and in default in payment of fine amount, additional R.I. for 1 months.	Under Section 304-B of IPC	R.I. for 7 years
Conviction	Sentence						
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Under Section 304-B of IPC	R.I. for 7 years						



nature and this kind of quarrel is usually happened in a family life. He further submits that one meeting was convened in the parental home of the deceased by the appellant party. In cross-examination of PW/1 in para-16 it is mentioned that deceased was ready to go her parental home and she set on the vehicle but her family members refuse to took her with them, it is also mentioned that the deceased after obtaining permission of her mother-in-law will decide to go with her family members. There is nothing on record that during this period she was subjected to harassment on account of demand of dowry. The appellant is in jail since 20.11.2019 and his detention is about more than 2 years & 7 months and the maximum sentence awarded to him is R.I. for 7 years for the offence U/s. 304-B of IPC and disposal of this appeal is likely to take some time, therefore, the appellant may be released on bail.

On the other hand, learned counsel for the State submits that the statements of PW/1 & PW/18 are credible and trustworthy. In paragraph 6 of PW/1, allegations are levelled against the appellant & co-accused persons that they harassed the deceased mentally & physically. The trial Court has rightly convicted the appellant, therefore, in view of presumption available under Section 113 B of Indian Evidence Act and the evidence of the witnesses which remain unrebutted, the trial Court was justified in holding the appellant guilt under Section 304B of IPC. Being so, the application for suspension of sentence is liable to be rejected.

Considering the facts & circumstances of the case, the nature of statements of parents of the deceased (PW/1 & PW/18), the detention period of the appellant, who is 27 years old, final disposal of this appeal is likely to take some time, without commenting anything on merits of the case, the application is allowed.

It is directed that the execution of substantive jail sentence imposed upon the appellant shall remain suspended during the pendency



of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety to the satisfaction of the trial Court. He shall appear before the Registry of this Court on **28.09.2022** and thereafter appear before the trial Court on a date to be given by the Registry and thereafter continue to appear before the trial Court on all such dates as are given to him by the said Court till disposal of this appeal.

List the case for final hearing.

Sd/-
(Sachin Singh Rajput)
Judge

Nadim

