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(2019) 10 CHH CK 0173

Chhattisgarh High Court

Case No: Criminal Miscellaneous Petition (CRMP) No. 2012 Of 2019

State Of Chhattisgarh

APPELLANT

۷s

Ambika @ Amerika Gupta And

Ors

RESPONDENT

Date of Decision: Oct. 22, 2019

Acts Referred:

Indian Penal Code, 1860 - Section 34, 307, 498A

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

Bench: Division Bench **Advocate:** Ashish Gupta **Final Decision:** Dismissed

Judgement

Prashant Kumar Mishra, J

- 1. This is an application for condonation of delay in filing the application.
- 2. For the reasons mentioned in the application, the delay of 45 days in filing the application is condoned.
- 3. Accordingly, I.A.No.1 stands disposed of.
- 4. Trial Court has acquitted the accused from the charge under Sections 498-A & 307 read with Section 34 of the Indian Penal Code.
- 5. As per the prosecution case the accused persons were treating the victim Sunita (PW-4), wife of the accused/respondent No.1, with cruelty and
- attempted to commit her murder on 26-8-2017 by setting her on fire after pouring kerosene oil.
- 6. Despite there being a dying declaration incriminating the accused, when examined in Court, the victim Sunita (PW-4) has turned hostile and has not

supported the case of the prosecution. She stated that she sustained accidental burn injuries at the time of warming the food.

- 7. Considering the nature and quality of evidence available on record, it is manifest that present is not a fit case for grant of leave to appeal.
- 8. In the result, the application (CRMP), sans merit, is liable to be and is hereby dismissed.