

**(2019) 10 CHH CK 0173**

**Chhattisgarh High Court**

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

State Of Chhattisgarh

APPELLANT

Vs

Ambika @ Amerika Gupta And  
Ors

RESPONDENT

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**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

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**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.