CGHC010003462012 2026:CGHC:44673

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ANKIT KUMAR SINGH Digitally signed by ANKIT KUMAR SINGH

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 45 of 2012

Judgment reserved on : 22.09.2026

Judgment delivered on : 15.10.2026

- Kheersay S/o Parasram Ratre, aged about 35 years, R/o village – Sonamundi, Thana – Basna, District – Mahasamund, Chhattisgarh.

... Appellant

versus

- State of Chhattisgarh, through the District Magistrate, Mahasamund, District Mahasamund, Chhattisgarh.

... Respondent

For Appellant	**:-**	Mr. Sunil Sahu, Advocate.
For Respondent/State	**:-**	Dr. (Mrs.) Richa Pandey, Panel Lawyer.

Hon'ble Shri Justice Sudhir Kumar
C A V Judgment

1. The present criminal appeal has been filed under Section 374(2) of the CrPC preferred by the appellant-accused,

challenging the legality, validity and correctness of the judgment dated 31.12.2011 passed by the Sessions Judge, Mahasamund, Chhattisgarh, in Sessions Trial No. 61/2011 by which the appellant herein has been convicted for offence under Section 354 of the IPC and sentenced thereunder rigorous imprisonment for 2 years with fine of ₹10,000/-; in default of payment of fine amount the appellant has to undergo rigorous imprisonment for 6 months.

Prosecution Case:-

2. Case of the prosecution, in brief, is that on 07.07.2011 at about 4:00 pm, in the house of the victim (deceased), at village Sonamundi, the appellant outraged the modesty of the deceased, who was aged about 13 years on the date of incident, and tortured her physically and mentally and also abetted her to commit suicide, as a result of which, she after pouring kerosene oil on her set herself ablaze and thereby appellant committed the aforesaid offence.

3. As per the prosecution case, on 07.07.2011 at about 7:00 pm father of the deceased along with other villagers reached to the Police Station and reported the matter to the police by stating that his daughter victim was being subjected to

teasing/harassment/misbehaved by the appellant herein in respect of which a meeting had also been convened. It was further stated that on the same day, appellant had again allegedly subjected victim to such harassment near the boring, pursuant to which victim went to her house, poured kerosene oil over herself and set herself ablaze. On seeing her burning, the children raised an alarm, whereupon Jagdish came there and attempted to extinguish the fire. Munidhar informed him, who was returning from the field. Thereafter, father of the deceased came home and found that his daughter had sustained burn injuries and had died. On the basis of the said report merg intimation was registered vide Ex.P/1. FIR was registered vide Ex.P/8. Inquest proceedings were conducted vide Ex.P/7 and the dead body of the deceased sent for postmortem. As per the postmortem report (Ex.P/3) proved by Dr. Bharat Bhushan Kosariya (PW-8), cause of death is shock resulting from burn and suicidal in nature.

4. After due investigation, appellant herein was charge-sheeted for the aforesaid offence and the case was committed to the Court of Sessions for trial in accordance with law. The

appellant / accused abjured his guilt and entered into defence.

5. In order to bring home the offence, prosecution has examined as many as 12 witnesses and exhibited 10 documents, whereas, defence, in support of its case, has examined 2 witnesses and exhibited 2 documents. The statement of the appellant / accused was recorded under Section 313 of the CrPC in which he denied the circumstances appearing against him in the evidence brought on record by the prosecution, pleaded innocence and false implication.

6. The trial Court after appreciating the oral and documentary evidence available on record, convicted the appellant / accused for the offence as mentioned in the opening paragraph of the judgment, against which the appeal has been preferred by the appellant herein questioning the impugned judgment of conviction and order of sentence. However, the trial Court has acquitted the present applicant from the offence under Section 306 of the IPC.

Submission of the Parties:-

7. Learned counsel for the appellant would submit that the appellant has been convicted by the trial Court without any cogent evidence.

He would also submit that before the trial Court independence witnesses have turned hostile and not supported the case of the prosecution. He would further submit that the prosecution has remained unsuccessful in proving the the charge against the appellant herein beyond reasonable doubt and, therefore, the appellant is entitled for acquittal and the appeal deserves to be allowed.

8. Learned State counsel would support the impugned judgment and submit that prosecution has been able to bring home the offence beyond reasonable doubt and the appellant has been convicted on the basis of evidences available on record and the impugned judgment is just and proper which does not warrant any interference and, therefore, the present appeal deserves to be dismissed.

9. I have heard learned counsel for the parties, considered their rival submissions made herein-above and perused the records minutely.

Discussion & Analysis:-

10. In the present case the trial Court has imposed conviction on the basis of evidence of eye witnesses. As per the prosecution case, victim was being subjected to teasing/harassment by the appellant herein pursuant to which victim poured kerosene

oil over herself and set herself ablaze. However, after the considering the evidences available on record the appellant has been acquitted of the charges under Section 306 of the IPC by the trial Court and convicted under Section 354 of the IPC.

11. Rajkumar (PW-2) is an eye witness to the incident. He has stated in his evidence that on the date of incident, at about 10:00 am, he was sitting with Sevakram and Tularam outside his house from where he could see the people in the vicinity fetching water from the bore. The deceased was also present there and fetching water. At that juncture, the appellant approached the bore well from the direction of the field and upon reaching there, pulled the clothes worn by victim and thereafter, the appellant went to his house and he (PW-2) also left for his house. On the same day, 3:00 pm, he came to know that the victim had died. In cross examination this witness has denied the fact that the place where he was sitting, bore was not visible to him. However, this witness has not been contradicted on the point that the victim was being teased by the appellant.

12. Jagdish Ratre (PW-6) has stated in his evidence that at about 2:00 pm to 2:30 pm, when he was taking his lunch after coming from agricultural field, he heard some noise. On hearing the noise, he left his meal and proceeded towards the house of the deceased where he saw that the body of the deceased was wrapped

with old clothes which was used to douse the fire. This witness has further stated that a meeting was convened in the village and the appellant was made to understand that he is already a married man and his children have also attained the age of marriage and, therefore, he should not involve himself in such activities. However, this witnesses was partially declared hostile from the side of prosecution. On being partially declared hostile, this witness has admitted that the deceased before her death had informed him that on account of harassment meted out by the appellant she had set herself ablaze. However, in cross examination, he has stated that as per the social custom prevalent in the village after fixing the marriage, the girl used to stay in the house of the person (who is going to be her husband) for fifteen days. He has further stated that the marriage of the victim was fixed in the village Gadhfuljhar and she stayed there as guest. After reaching there, the appellant said that since he wanted to marry the victim, it is for this reason her (victim) marriage which was already fixed was broken. The evidence of this witness has not been contradicted in the cross examination.

13. Sirmoti (PW-7) is also an eye witness to the incident. In her evidence she has stated that on the date of the incident, when she was lying near the door of her house, she saw that the victim was fetching water from the bore and at that time, the appellant

reached there and grabbed her and thereafter, she (PW-7) reached there. After seeing her, the appellant ran towards agricultural fields and thereafter, she and the victim returned to their house. She has further stated that she was standing near the door of her house and the victim was preparing the meal. She has further stated that some kids came to her house and informed that smoke was emanating from the house of the deceased and after knowing that she went there and saw deceased was burning. However, this witness has not been contradicted on the point that victim was teased/misbehaved by the appellant.

14. Karimoti (PW-4) is the mother of the victim. She has stated that on the date of the incident she was in the agricultural field and the appellant has teased/misbehaved with her daughter because of which she committed suicide after setting herself ablaze. This witness has also been declared partially hostile from the prosecution. On being partially declared hostile this witness has admitted that on previous occasions also the appellant used to tease/harass her daughter. This witness has further admitted that a meeting in connection with the said incident has also been convened in the village. However, in spite of that the appellant was continuously teasing her daughter. In cross-examination, this witness has remained firm and has not been contradicted.

15. In the case at hand, the appellant has committed the offence in the presence of two eye witnesses i.e. PW-2 & PW-7. Apart from that one witness i.e. PW-6 has deposed that prior to her death, the victim has informed him that on account of harassment meted out by the appellant she has set herself ablaze. It has also coming in the evidence that after fixing the marriage of the victim, the appellant said that he would marry the victim. Further, from the material available on record it appears that a social meeting was also convened in the village in connection with the harassment being given by the appellant in which the appellant was made to understand. However, in spite of that the appellant continued to harass the deceased. It has also coming in the evidence that the appellant is already a married man having children and in spite of that the appellant was continuously harassing the victim and on the date of the incident also the appellant harassed the victim.

Conclusion:-

16. After marshalling the evidence, the trial Court has convicted and sentenced the appellant under Section 354 of the IPC. On close scrutiny of the evidence available on record, this Court is of the opinion that the judgment of conviction passed by the trial Court is well merited and does not call for any interference.

17. For the foregoing, the appeal being bereft of any substance deserves to be and hereby is **dismissed**. It is reported that the appellant is on bail. His bail bonds are canceled. The appellant is directed to surrender before the concerned trial Court within a period of 30 days from today to serve out the remaining sentence imposed upon the appellant by the trial Court.

18. It is made clear that if the appellant fails to surrender before the concerned trial Court within the stipulated period, the trial Court shall take necessary steps against him.

Sd/-
(Sudhir Kumar)
Judge

Ankit