

Dilip Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Dec-04-2012

Appellant : Dilip Singh

Respondent : The State of Madhya Pradesh

Judgement :

M.Cr.C.No.48/2011 4.1.2012 Shri Prakash Gupta, Panel Lawyer for the applicant/State.

Heard on admission as well as IA.

No.50/2012, an application under Section 5 of the Limitation Act.

Looking to the note of the office that appeal was filed within time and therefore, there is no need of application under Section 5 of the Limitation Act.

Consequently, IA.

No.50/2012, is hereby dismissed.

Leave of appeal is sought against the judgment dated 5.9.2011 passed by FiRs.Additional Judge to FiRs.Additional Sessions Judge, Panna in Sessions Trial No.172/2012 by which the respondents were acquitted from the offence punishable under Section 306 of I.P.C.After considering the submissions made by learned Panel Lawyer and looking to the judgment passed by the trial Court it

appears that deceased was wife of one Tirathlal, who was brother of respondent Nandlal whereas Meerabai was wife of the accused Nandlal.

The marriage of the deceased took place 7 years prior to her death and therefore, no presumption under Section 113-A of the Evidence Act was applicable in the case.

Rajjan (P.W.5) and Rajkali (P.W.6).children of the deceased, turned hostile.

They did not tell about any harassment to the deceased.

Munnilal (P.W.2).Hakka (P.W.4) and Punia Bai (P.W.4) have stated about so many allegations of harassment but, such type of allegations were found after thought because no such allegations were made in their case diary statement.

Learned Additional Sessions Judge has rightly opined that there was no harassment proved against the respondents which comes within the purview of section 107 of I.P.C and therefore, no offence under Section 306 of I.P.C is made out,.

If there was a dispute of property etc.between Nandlal and husband of the deceased then by such dispute it cannot be said that deceased was harassed by the relatives of the husband etc.Under such circumstances, it is not a good case in which leave may be granted.

Consequently, leave to appeal under Section 378 of the Cr.P.C is hereby refused.

(N.K.Gupta) Judge bina

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