



2026:CGHC:14930



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 819 of 2017

Bhuneshwar Ram S/o Shri Kuiya Ram, Aged About 25 Years R/o Village Devdand, Katharpara, Chauki Pandrapath, Police Station Bagicha, District Jashpur, Civil And Revenue District Jashpur, Chhattisgarh., Chhattisgarh

... Appellant

versus

State Of Chhattisgarh Through Police Station Bagicha, District Jashpur, Chhattisgarh., Chhattisgarh

... Respondent(s)

For Appellant : Mr. Manoj Kumar Sinha, Advocate

For Respondent(s) : Mr. Vivek Mishra, Panel Lawyer

Hon'ble Shri Justice Arvind Kumar Verma

Judgment on Board

01/04/2026

1. This criminal appeal has been filed under Section 374 (2) of Cr.P.C., 1973 by the appellant against the judgment of conviction and order of sentence dated 10.03.2017 passed by the learned Sessions Judge Jashpur, District- Jashpur (C.G.), in Sessions



Case No. 02/2016, whereby the appellant has been convicted and sentenced as follows:-

Convicted	Sentenced to
U/s 498-A of IPC	R.I. for 2 years and 6 months with fine of Rs. 3,000/-, in default of payment of fine, additional R.I. for 3 months.

2. The prosecution case, in brief, is that The case of the prosecution, in brief, is that the accused, Bhuvneshwar Ram, resident of Katharpara Devdand, Police Station Bagicha, District Jashpur, was having disputes with his wife Shanti Chai as he intended to keep another woman. Due to this, he assaulted his wife and drove her away to her parental home. Thereafter, through a social meeting, she was brought back to the matrimonial home. However, again one day prior to the incident dated 09–10/06/2016, the accused assaulted and mentally harassed the deceased in relation to keeping another woman. Due to such harassment and cruelty, the accused's wife committed suicide by hanging herself from a mango tree using her saree. On the information given by the father of the accused and complainant Kuiya Ram, an FIR (Exhibit P-9) was registered at Police Outpost Pandrapath against the accused under Sections 498A and 306 of the Indian Penal Code, bearing Crime No. 177/16. During the course of investigation, a spot map of the place of occurrence was prepared. Inquest proceedings were conducted, and the dead body was sent for post-mortem examination, after which medical opinion was obtained.



The accused was also medically examined. The accused was arrested, and statements of witnesses were recorded. After completion of the investigation, a charge-sheet was filed against the accused under Section 302 of the Indian Penal Code before the Judicial Magistrate First Class, Bagicha. Since the offence was triable by the Court of Sessions, the case was committed to the Court of the Sessions Judge, Jashpur on 27/09/2016, from where it was received by this Court for trial. The accused denied the charges framed against him under Sections 498A and 306 IPC and claimed trial. In his examination under Section 313 of the CrPC, he stated that he is innocent and has been falsely implicated. However, no evidence was adduced by him in defence.

3. The learned Sessions Judge Jashpur, District- Jashpur (C.G.), after appreciating oral and documentary evidence available on record vide judgment dated 10.03.2017, convicted the appellant for the offence punishable under Section 498-A of IPC and sentenced him as mentioned in opening paragraph of this order.
4. The appellant was in jail from 23.07.2016 to 20.06.2017.
5. Learned counsel for the appellant would submit that the appellant is innocent person and has been falsely implicated in the afore-said case. The judgment of the Trial Court is bad in law as well as on facts. The learned Trial Court ought not to have convicted and sentenced the appellant and ought to have given the benefit of doubt since the evidence submitted by the prosecution is very shaky and unbelievable. The Trial Court failed to appreciate the



evidence and documents available on record. Learned counsel for the appellant submits that there are contradictions and inconsistencies in the prosecution case. The evidence does not establish cruelty beyond reasonable doubt.

6. Learned counsel for the appellant submits that he does not want to press this appeal on merits and confine his arguments to the sentence part thereof only. Further, he submits that the appellant at present is aged about 34 years and as he is facing criminal trial since 2016 and has already undergone around 1 year of jail sentence awarded by the trial Court. There is also no previous criminal antecedents against the appellant. Therefore, the jail sentence awarded to the appellant may be reduced to the period already undergone by him.
7. Learned Panel Lawyer appearing for the respondent/State, submits that the findings of the Trial Court are based on proper appreciation of evidence. The conviction under Section 498-A IPC is well-founded.
8. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
9. Upon perusal of the entire record, it is crystal clear that the trial court has acquitted the appellant under Section 306 of IPC and convicted the appellant under Section 498-A of IPC.
10. With regard to Section 498-A IPC: The testimonies of prosecution witnesses, including PW-1 Biraji Bai (mother of the deceased),



PW-2 Harkhnarayan Yadav, PW-7 Rajeshwar Ram (brother of the deceased) consistently establish that the appellant used to assault the deceased. He subjected her to mental harassment. There were repeated disputes regarding bringing another woman. These statements remain unshaken in cross-examination and clearly prove that the deceased was subjected to cruelty within the meaning of Section 498-A IPC. Accordingly, the finding of conviction recorded by the Trial Court is based on proper appreciation of evidence and does not warrant interference.

11. As regards the sentence awarded to the appellant. Considering the fact that the appellant is facing criminal trial since 2016, considering the age of the appellant at present and further considering that the appellant was in jail from 23.07.2016 to 20.06.2017, therefore, this Court is of the opinion that in the interest of justice, the sentence imposed upon the appellant is reduced to the period already undergone by the appellant under Section 498-A of IPC. However, fine imposed by trial Court is maintained.

12. With the aforesaid observations, the criminal appeal is **allowed in part**. The appellant is held guilty of committing offence under Section 498-A of IPC and is convicted for the said offence. However, the sentence is reduced to the period already undergone by him. The appellant is reported to be on bail. Surety and personal bond earlier furnished at the time of suspension of sentence shall remain operative for a period of six months in view of the provisions of Section 437-A Cr.P.C.



13. Let a copy of this order and the original records be transmitted to the trial court concerned forthwith for necessary information and compliance.

Sd/-

(Arvind Kumar Verma)

Judge

Madhurima