

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Criminal Appeal (DB) No. 322 of 2020**

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1. Mahesh Prasad aged about 32 years Son of Lalji Sao
  2. Sakunti Devi aged about 30 years Wife of Mahesh Prasad.
- Both resident of Village – Sahpur, P.O. & P.S. – Katkamsandi, Dist. -  
Hazaribag
- .....Appellants**

Versus

The State of Jharkhand

**... Respondent**

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**CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR**  
**HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY**

For the Appellants : Mr. Soumitra Baroi, Advocate  
For the Respondent : Mr. Anup Pawan Topno, APP

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**Order No. 08/ Dated: 07<sup>th</sup> November 2023**

**I.A. No. 5852 of 2023**

This is third attempt by Sakunti Devi who has been convicted and sentenced to rigorous imprisonment for life under section 302/34 of the Indian Penal Code and a fine of Rs. 10,000/- under section 302 of the Indian Penal Code with a default stipulation to undergo further imprisonment for four months; rigorous imprisonment for life under section 304B of the Indian Penal Code and rigorous imprisonment for one year with a fine of Rs.5000/- under section 4 of the Dowry Prohibition Act with a default stipulation to undergo further imprisonment for three months in S.T. No.189 of 2014 with S.T. No.241 of 2015.

2. On the basis of the allegations made in Katkamsandi P.S. Case No.288 of 2013, on finding a *prima facie* case against Munna Prasad, Mahesh Prasad, Lalji Sao and Sakunti Devi, the aforementioned Sessions Trials commenced against them in which 14 witnesses were examined by the prosecution to establish the charges under sections 304B/34 and 302/34 of the Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

3. As PW 12, Dr. S.R. Dangi rendered an opinion that death of Sita devi was caused due to asphyxia caused by strangulation.

4. PW 12 observed a ligature mark encircling the neck of Sita

Devi below thyroid cartilage. He has further found presence of ecchymosis in the subcutaneous tissue in the line of the ligature mark.

PW 12 has made the following observations in the post-mortem report:

“A ligature mark directed horizontally and encircling the neck completely below the level of thyroid cartilage brownish in colour and with irregular abrasion mark present around the ligature mark.

Head and neck:- Ecchymosis present in the subcutaneous tissue in line of the ligature mark.”

5. Mr. Soumitra Baroi, the learned counsel for the appellants submits that no external bodily injury was found by the doctor on the dead body of Sita Devi and, therefore, it is highly improbable that the death of Sita Devi was homicidal in nature. The learned counsel for the applicant would further submit that PW 1 deposed in the Court that he had heard rumours about illicit relationship between Sakunti Devi and Munna Prasad and; PW 9 raised a suspicion only. The learned counsel for the applicant has also referred to the evidence of PW 2 who also raised a suspicion only and PW 3 who has said about demand of dowry.

6. Mr. Anup Pawan Topno, the learned APP submits that the story of illicit relationship between Munna Prasad and Sakunti Devi has been believed by the Sessions Court and the observations of PW 12 reveal that it was a clear case of murder in the matrimonial home of Sita Devi.

7. In our opinion the reliance placed by the learned counsel for the applicant on the order passed by a co-ordinate Bench of this Court in I.A. No. 1781 of 2023 in Criminal Appeal (DB) No. 313 of 2020 is completely misplaced inasmuch as only on the ground that Munna Prasad has served about 10 years of imprisonment he has been released on bail. Whereas, the present applicant has remained in custody for only about 3 years.

8. Having regard to the specific findings recorded by the Sessions Judge and the observations of PW 12 in the post-mortem report, we are not inclined to entertain the present application for suspension of sentence vide I.A. No. 5852 of 2023 which is accordingly dismissed.

**(Shree Chandrashekhar, J.)**

**(Anubha Rawat Choudhary, J.)**