

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.476 OF 2014

The State of Maharashtra ... APPLICANT

VERSUS

Ganesh Dattatraya Chavan ... RESPONDENT

.....
Mrs. S.D. Shelke, A.P.P. for the applicant
Shri R.G. Hange, Advocate for respondent
.....

CORAM: A.I.S. CHEEMA, J.

DATED: 13th January, 2015.

ORAL ORDER :

1. Heard learned A.P.P. for the applicant/ State and learned Advocate for respondent - accused. The present criminal application has been filed by the State against acquittal of respondent - accused for offence under Section 306 of the Indian Penal Code.

2. Learned A.P.P. for the State argued that, in the present matter, the victim Varsha committed suicide due to the

conduct of respondent - accused. The respondent was harassing her claiming that he wants to marry her. The learned A.P.P. submitted that there was evidence brought on record to show that the respondent was seen with the victim by P.W.3 Ashabai and the accused had run away from the spot and thereafter the victim had disclosed that she had consumed poison. According to learned A.P.P., leave needs to be granted.

3. The application has been opposed by the learned counsel for respondent claiming that the offence was not made out against the accused and that even the vicera report did not disclose that there was any poison.

4. I have gone through the record and proceedings of the trial Court and the appeal. The record shows that, the evidence brought against the respondent - accused was that this accused was insisting with the victim that he wants to marry her. The incident regarding which P.W.3 Ashabai has deposed, is that she saw the respondent - accused holding the victim and that the victim was shouting and when the P.W.3 Ashabai called out, the accused had run away. According to P.W.3 Ashabai, at that time, the victim told her that the accused had told her that he wants to marry her and that she had consumed poison. It appears that,

the police seized the bottle alleged to have had poison and after the post mortem, the vicera was sent for chemical analysis. Although the C.A. report regarding the plastic bottle stated that the same tested positive for insecticide, the C.A. report of vicera did not show any poison. The learned counsel for respondent, referring to this, is submitting that the suicide is not established.

5. The judgment of the trial Court shows that, the trial Court discussed the case of prosecution as was brought, and referring to the case law brought before the trial Court, came to the conclusion that the prosecution failed to prove that the accused had *mens rea* that the victim should commit suicide.

6. Looking to the evidence and reasonings adopted by the trial Court, it does not appear that the reasoning could be said to be perverse. The view taken by the trial Court of the given evidence is a possible view. There is no reason to interfere in the acquittal. Criminal Application stands rejected.

(A.I.S. CHEEMA, J.)