

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

CRIMINAL APPLICATION NO. 537 OF 2014

The State of Maharashtra,
Through PSO Rahuri Police Station,
Rahuri, Dist. Ahmednagar

...Applicant
(Ori. Complainant)

versus

1. Shaukat Shabbir Sayyed,
Age 27 years,
2. Arifa Shabbir Sayyed,
Age 45 years,
3. Shabbir Balambhai Sayyed,
Age 50 years,
All R/o Takalimiya, Tq. Rahuri,
Dist Ahmednagar.

...Respondents
(Ori. Complainant)

.....
Smt. R.K. Ladda, A.P.P. for Applicant

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

DATED : 10th FEBRUARY, 2015

Order :-

1. Heard Additional Public Prosecutor. Perused the record.
2. The prosecution brought the case that marriage of victim Sofia was performed with accused No. 1 on 16-12-2007. She died due to consumption of poison on 08-05-2011 i.e. within seven years of the marriage. It is the case of the prosecution that respondent No. 1 was

demanding Rs. 75,000/- for garage and was beating the victim. He was persuading her to bring money from her father. The prosecution claims that accused persons were harassing victim and due to the same she committed suicide.

3. The trial court discussed the evidence brought on record and has acquitted all the accused. Observations of the trial Court from paragraphs No. 17 of the judgment are that there were no specific allegations against respondents No. 2 and 3. Learned Additional Public Prosecutor is unable to show me that there were any specific allegations against respondents Nos. 2 and 3 from the evidence.

4. Perused the judgment of the trial court. Learned A.P.P. argued that it is a case of custodial death and husband did not show how it happened. Considering reasons recorded by the trial court and keeping in view unnatural death of victim within seven years of marriage, there is arguable case so far as accused No. 1 Shaukat Shabbir Sayyed is concerned. However, there is no case made out to grant leave against respondent No. 2- Arifa Shabbir Sayyed and respondent No. 3 – Shabbir Balambhai Sayyed.

5. For such reasons, application is allowed only in respect of accused No. 1 - Shaukat Shabbir Sayyed. Application as regards respondent No. 2 - Arifa Shabbir Sayyed and respondent No. 3 - Shabbir Balambhai Sayyed stands rejected.

6. As such, leave is granted regarding respondent No. 1 - original accused Shaukat Shabbir Sayyed.

7. Application be registered as an appeal against respondent No. 1 - original accused Shaukat Shabbir Sayyed.

8. Appeal is ***admitted***.

9. Paper-book be got prepared.

10. Action under section 390 of the Code of Criminal Procedure be taken against respondent No. 1 - original accused Shaukat Shabbir Sayyed in the trial court and brief compliance report be called.

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