

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 2086 OF 2014

THE STATE OF MAHARASHTRA
VERSUS
NAMDEO BHUJANG MISAL AND OTHERS

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APP for Applicant : Mr. S. A. Ambad.
Advocate for Respondent Nos.4 and 5: Mr. A. N. Nagargoje.

CORAM: T. V. NALAWADE, J.
DATED: 23rd JULY. 2015.

PER COURT:

1. The application is filed for grant of leave to file appeal against the judgment and order of acquittal delivered by Assistant Sessions Judge, Beed in Sessions Case No23 of 2013 for the offences punishable under sections 498-A, 306, 34 of I.P.C. Heard learned A.P.P. Other side was also given some hearing.
2. The evidence given against the Respondents is of the nature of two dying declarations and there is also material of the evidence given by the parents of the

deceased. The deceased was given in marriage on 17th May, 2009 to accused No.1 Namdeo and the incident in question took place on 2nd August, 2012. The deceased had no issue. The husband was harassing her by saying that he was not liking her. There are allegations that there was demand of money and on that count there was harassment. There is allegation that she was driven out of the matrimonial house on 24th July, 2012 and as her relatives and parents had convinced the accused she was accepted in the matrimonial house on 26th July, 2012. The two dying declarations recorded by police constable and Executive Magistrate show that different disclosures were made by the deceased. In the disclosures made to the police she made allegations against brother-in-law and father-in-law that they had become angry on her as she had disclosed the ill-treatment to her parents. In the second dying declaration she blamed the mother-in-law by contending that the mother in law had given abuses to her and due to the insult she had set fire to herself. Accused No.5 Jayshree used to instigate others but there is no specific allegations against her. In view of the material available

against Accused Nos.1 to 4 this Court holds that as against them leave can be granted but leave cannot be granted to file appeal against Accused No.5 Jayshree.

3. In the result, application is allowed as against accused Nos.1 to 4 but the application as against Respondent No.5 is rejected. Leave is granted to file appeal against Respondent, accused Nos.1 to 4.

4. Appeal is admitted as against Accused Nos.1 to 4. Comply provisions of Section 390 of Cr.P.Code.

[T. V. NALAWADE, J.]

Dt.23/07/2015
ans/2086