

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

CRIMINAL APPLICATION NO. 1853 OF 2015

State of Maharashtra,
Through Karjat Police Station, Ahmednagar ..APPLICANT

VERSUS

1. Mahendra Bapurao Shinde,
Age: 36 years,

2. Devbai Bapurao Shinde,
Age: 65 years
Both R/o Kopardi, Tq. Karjat,
Dist. Ahmednagar. ..RESPONDENTS

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Mr. S.D. Ghayal, A.P.P. for applicant-State.
Mr. B.A. Nagwale, Advocate for Respondent Nos.1 and 2.

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CORAM : M.T. JOSHI, J.
DATED : 16th DECEMBER, 2015

ORAL ORDER :

Heard both sides.

2. Aggrieved by the acquittal of respondents from the offences punishable under Section 498-A, 306, 323, 504, 506 read with 34 of Indian Penal Code vide order dated 22nd December, 2014

passed by Learned Ad-hoc District Judge-4 and Assistant Sessions Judge, Ahmednagar in Sessions Case No. 17/2013, the State wants to prefer an appeal and, therefore, the present application for leave to file appeal is filed.

3. The prosecution case would show that the Respondent No.1-husband of the deceased was in habit of consuming liquor. Further, there used to be demand of Rs.50,000/- to deceased-Lata from Respondent No.1 and Respondent No.2-mother-in-law for construction of new house. As the complainant's father was unable to provide money, ill treatment continued to be given to the deceased by the respondents and ultimately on 27th May, 2009, the deceased-Lata has died due to hanging herself and, therefore, complaint came to be filed.

4. The reasoning of the learned Assistant Sessions Judge would show that the complainant has admitted in cross-examination that respondents had their own house and also their financial position was more sound in comparison to the financial

position of the complainant. The complainant further admitted that deceased did not like the Respondent No.1, as he was working as a driver on a tanker. There was no specification regarding day, date and time of the demand of money. It was also admitted that as the complainant's side was poor, in the engagement of deceased-Lata itself, her marriage with the Respondent No.1 took place. Taking into consideration all the above facts, the respondents were acquitted.

5. It is an admitted fact that marriage between the deceased and Respondent No.1 has taken place 11 years prior to the incident. Considering all the material on record, in my opinion, the learned Assistant Sessions Judge has taken a reasonable and probable view. In the circumstances, the following order:

6. Application is dismissed. Leave to file appeal is hereby refused.

(M.T. JOSHI, J.)