

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2085 OF 2013

The State of Maharashtra, Through
Police Station Officer,
Taluka Police Station, Sangamner,
Dist-Ahmednagar.

...APPLICANT
(Orig. Complainant)

VERSUS

- 1) Haribhau Bhausahab Virkar,
Age-22 years, Occu:Agri.,
- 2) Mrs. Leelabai Bhausahab Virkar,
Age-50 years, Occu:Agri.,
- 3) Sonyabappa Bhausahab Virkar,
Age-25 years, Occu:Agri.,

All R/o-Khambe, Tq-Sangamner,
Dist-Ahmednagar.

...RESPONDENTS
(Orig. Accused)

...
Mr. D.V. Tele Advocate for Applicant.
Mr. R.K. Temkar Advocate for Respondents.
...

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

DATE : 13TH FEBRUARY, 2015

ORDER :

1. Heard learned A.P.P. for State and learned counsel for Respondents - original accused.

2. The learned A.P.P. submits that there was evidence brought on record regarding illegal demand of money from the victim Usha. According to him, the family members of the Usha deposed that she was being harassed for the money and was being beaten. Counsel submitted that the marriage took place on 21st May 2010 and within four months, on 11th September 2010, the victim was admitted in the hospital with signs of poison. It is claimed that the trial Court committed error in acquitting the accused persons.

3. Learned counsel for the Respondent - accused pointed out from the original record as well as referred to the Judgment of the trial Court to say that in postmortem report it was mentioned that probable cause of death is

poisoning. But the C.A. report showed that stomach contents and viscera when examined, no poison was detected. The Judgment of the trial Court show that it considered the other evidence of the Panch and the inquest panchnama which showed that the victim had puncture marks on her feet and thus probability of insect bite causing death was there. The counsel pointed out from the record that spot of incident is not the house of the accused persons but it is in the field regarding which PW-6 Bhimraj was examined and map Exhibit 42 was proved. The death of victim may have taken place due to bite by poisonous insect.

4. The trial Court has considered the oral evidence and did not accept the evidence that there was cruelty and harassment for money and the probability of death due to bite by venomous animal was recorded by the trial Court. Going through the material available, the view recorded by the trial Court on the given evidence, is a

possible view and thus, there is no reason to interfere. No case is made out for grant of leave.

5. Criminal Application is rejected.

[A.I.S.CHEEMA,J.]

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