

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

921. CRI.APPLN/2521/2014

THE STATE OF MAHARASHTRA
V/S
RAMNATH SHAHADEO ZIRPE AND OTHERS

Mrs. R.K. Ladda, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 24th July, 2015.

ORDER :

1. The application is filed for leave to file appeal against the judgment and order of acquittal delivered in Sessions Case No. 187/2012 by the learned Additional Sessions Judge, Beed. The respondents are acquitted of the offences punishable under sections 498-A, 306 and 34 of Indian Penal Code. Heard the learned APP. Seen the record.

2. The deceased was wife of accused No. 1 – Ramnath and she was given in marriage about three years prior to the date of incident. The deceased committed suicide by hanging herself in matrimonial house on 14.2.2012. At the relevant time, the accused persons were present in the field and nobody was in the matrimonial house of deceased. The deceased has left behind one son aged about 18 months. There are allegations

that after one year of the marriage, the accused No. 1 was asking her to bring Rs. fifty thousand from her parents for purchasing the motorcycle and this demand was not met with. Allegations are made that she was starved and she was mentally and physically harassed to force this demand.

3. The prosecution has proved that it is suicidal death. When the incident took place on 14.2.2012, the F.I.R. was given on 18.3.2012. Explanation is tried to be given by mother of the deceased that she had made an attempt to give the complaint, but the police refused to accept it. This contention is not acceptable as copy of sale deed dated 22.2.2012 is produced on the record. It shows that after the death of the daughter, father of the deceased obtained the sale deed in favour of the son of the accused No. 1. The accused has taken the defence that the complainant and the family members of the complainant were trying to extract money from him and when he did not succumb to the pressure, the report came to be given to police. He has contended under section 313 of Cr.P.C. that the deceased did not like him as he was not educated and it was desire of the deceased that he should take further education and he should get some employment. According to him, the deceased was not liking to work in the field and due to that she was not happy.

4. The material collected and the evidence show that the funeral of the deceased took place in the village of the accused and at the hands of husband. Thus, no complaint was made for about one month after the death of daughter of complainant and there are aforesaid circumstances. Allegations with relation to demand of Rs. Fifty thousand are very vague. It does not look probable that there was such illtreatment and such demand was made and she committed suicide due to harassment. There are many reasons for committing suicide. This Court holds that nothing can be achieved by granting leave to the State to file appeal.

5. In the result, the application is rejected. Leave is refused.

[T.V. NALAWADE, J.]

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