

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

CRIMINAL APPLICATION NO. 2213 OF 2013

State of Maharashtra

...Applicant

versus

Madhukar Gabaji Dighe
and others

...Respondents

.....

Mr. D.V. Tele, Addl. Public Prosecutor for Applicant
Mr. V.Y. Bhide, Advocate for respondents No. 1 to 4

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

DATED : 19th JANUARY, 2015

Order :-

1. Heard learned Additional Public Prosecutor for the State and learned counsel for respondent-accused. Perused the record and concerned judgment.

2. Learned Additional Public Prosecutor submits that the deceased Pramila married to Ramesh Dighe on 02-06-1997. Deceased Pramila was sister of complainant P.W.1 Sahebrao. According to learned Additional Public Prosecutor Pramila has subjected to cruelty at the hands of accused. It was in the nature of mental cruelty as she was not begetting child. Unfortunately, her husband expired on 12-02-2011

and accused persons started taunting her that because of her, her husband expired. Getting such ill-treatment, she got frustrated and Pramila committed suicide on 17-06-2011 by jumping in the well.

3. Learned counsel for respondents-accused has argued that marriage of Pramila with Ramesh Dighe was 14 years old and they were happy. Learned counsel for respondents - accused further pointed out from evidence that, P.W.6 real sister of the deceased Pramila admitted that Pramila did beget a child which died after a few months. Later she could not beget another child and therefore, she got frustrated and disgusted. It is submitted that due to gynecological problem Pramila was being treated. Unfortunately, she died after four months of the death of her husband. Evidence of P.W.6 shows that Pramila was operated at Pune.

4. According to learned counsel for respondent-accused, it is unfortunate that husband of Pramila expired on 12-02-2011, after successful operation of Pramila at Pune. Learned counsel for respondent-accused referring to evidence submitted that Pramila may have been under

stress due to passing away of husband. Her husband took care of Pramila and provided treatment to her. The couple wanted a child and husband suddenly passed away. This may have affected Pramila. Learned counsel for respondent-accused argued that prosecution brought on record only the evidence that body of deceased Pramila was found in the well, but no evidence was brought that she committed suicide or it could have been accidental fall also.

5. Learned counsel for respondent-accused supports the reasonings recorded by the trial court for acquitting the accused persons. According to him, the view taken by the trial court is possible view and leave may not be granted.

6. On going through the evidence, considering the reasoning recorded by the trial court, it can be seen that trial court found that Pramila after marriage was being treated well and there was no restriction on her movements. The trial court observed that allegations made by the prosecution regarding ill-treatment are general in nature and no specific incident has been stated. It was noticed that the persons, who took out dead body of deceased Pramila from the well were not examined. The evidence that,

Pramila was being given mental harassment by the accused, that she was not begetting child or was cause of death of husband is in the nature of general allegations. The trial court opined that Pramila got frustrated because she was unable to beget child and also due to passing away of her husband. The trial court expressed opinion that she may have in the circumstances ended her life. It also noticed that if brothers and sisters of deceased Pramila had any doubt, they would have raised objection for last rites being performed by the in-laws.

7. Looking to the reasonings recorded by the trial court and findings arrived at, the view taken by the trial Court is possible view of the evidence available and once acquittal is recorded, it will not be appropriate to interfere

8. There is no substance in the Application. Leave declined. The Criminal Application stands rejected.

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

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