

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 APPEAL NO. 281 OF 2014

SAU.WRANDAWANI DAGDU KALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Appellants : Mr. Hange Rajendra G.
APP for Respondent No.1: Mr. P. N. Mule.

CORAM: T. V. NALAWADE, J.
DATED: 10th August, 2015.

PER COURT:

1. The appeal is filed against judgment and order of Sessions Case No.71 of 2013 which was pending in the Court of Adhoc Additional Sessions Judge, Osmanabad. The trial Court has acquitted the respondents of the offences punishable under sections 323, 306, 498-A and 34 of I.P.C. Heard learned counsel for the Appellant for admission purpose. Learned A.P.P. supported him.

2. Seen the judgment delivered by the trial Court and seen the record. The deceased was given in marriage to

Respondent No.1 about 6 years prior to the date of the incident. Respondent No.2 is brother of Respondent No.1. Respondent No.3 is mother of Respondent no.1. Respondent No.5 is sister of Respondent No.1 and Respondent No.4 is husband of Respondent No.5.

3. The F.I.R. was given by mother of the deceased on the same day i.e. On 16th May, 2011 when she learnt about the incident. She has made allegations that after 1-1/2 years of the marriage the husband had started giving harassment to the deceased as he had suspicion about the character of deceased. The deceased has left behind 2 daughters.

4. The evidence on the record shows that Respondent No.2, 4 and 5 were living separate from the respondent No.1, husband of the deceased. When the incident took place in the night between 15th and 16th May, 2011 dying declaration was recorded immediately by police in the hospital. She disclosed that on that night the kerosene lantern accidentally fell on her person and her clothes caught fire. She disclosed that at that time there was no

electricity and so the lantern was kept burning in the bed room. Immediate neighbour of the husband had reached the spot and to him also similar disclosure was made by the deceased. That neighbour is examined as defence witness by the accused.

5. The spot Panchanama prepared by police is consistent with the aforesaid disclosure made by the deceased. It shows that the incident took place in the bed room and one lantern and partly burnt pieces of clothe of the deceased were found in the bed room.

6. The learned counsel for the original complainant submitted that the so called disclosure cannot be believed and it does not look probable that when there is supply of electricity and electricity connection was taken, they were using kerosene lantern and kerosene lantern fell on the person of the deceased in the night hours and she sustained such burn injuries which caused her death. When there is dying declaration and there are aforesaid circumstances, it is difficult to infer that the incident was not correctly disclosed by the deceased to police. This

Court holds that nothing can be achieved by admitting the appeal.

7. In the result, appeal stands dismissed.

[T. V. NALAWADE, J.]

Dt.10/08/2015
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