

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2789 OF 2014

The State of Maharashtra,
through PI Kotwali Police
Station, Ahmednagar ..Applicant

Versus

Nita Prakash Munot,
age 44 years, r/o. Tarabagh
Colony, Nagar-Pune Road,
Row Housing NO.2/6, Ahmednagar ..Respondent

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Mr.S.R.Palnitkar, APP for applicant - State

Mr.S.R.Andhale, advocate for respondent - sole

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CORAM : M.T. JOSHI, J.

DATE : JUNE 25, 2015

PER COURT :

Heard both sides.

2] Aggrieved by the judgment and order dated 29th
January, 2014 passed by learned Ad-hoc District
Judge-2 and Assistant Sessions Judge, Ahmednagar,
thereby recording acquittal of the respondent from

the offences punishable under Section 498-A and 306 of Indian Penal Code, the State wish to prefer an appeal and therefore, present application for leave to file appeal, has been filed.

3] Hearing from both sides as well as the record would show that deceased - Sayali was married to the son of the present respondent - accused about four months prior to her death. It was a love marriage. The dying declaration, which was disbelieved by learned Sessions Judge, would show that, as the present respondent i.e. mother-in-law of deceased did not like performance of marriage against her wish, she used to "harass" the deceased and therefore, the deceased has committed suicide.

4] Besides this, learned Sessions Judge has taken into consideration the oral evidence of the Medical Officer and the witnesses, who have

recored dying declaration i.e. Investigating Officer and Special Executive Magistrate.

5] As a reasonable and probable view of the matter has been taken by learned Sessions Judge, in my view, grant of leave to file appeal, would be an exercise in futility.

6] The application is, therefore, rejected.

[M.T. JOSHI, J.]

kbp