

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

13. CRI.APPLN/3420/2014

THE STATE OF MAHARASHTRA
V/S
RAVIKANT DADARAO GAIKWAD AND OTHERS

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

Mr. S.S. Rathi, Advocate for respondent Nos. 1 to 4.

CORAM : T.V. NALAWADE, J.

DATED : 3rd August, 2015.

ORDER :

1. The application is filed for leave to appeal against the judgment and order of Sessions Case No. 9/2012 which was pending in the Court of Adhoc Assistant Sessions Judge, Jalna. The learned Adhoc Assistant Sessions Judge has acquitted the respondents of the offences punishable under sections 498-A, 306, 504 r/w. 34 of I.P.C. Heard the learned APP. Some hearing was given to the learned counsel for respondents.

2. This Court has gone through the evidence given against the respondents in the trial Court. The deceased was given in marriage to respondent No. 1 about 15 years prior to the date of incident. She had three issues from him. There are allegations that there was illtreatment to the deceased mainly from respondent no. 1, husband. He had suspicion about her

character and on petty counts, he used to harass her. Allegations are made that he was also addicted to liquor. The incident took place on 30.7.2010 when the deceased had gone with children and mother to the house of her sister. The residential place of mother in law is situated in the vicinity of that place and so, the deceased visited the place of her mother in law. The mother in law gave Rs. 500/- to the deceased and this circumstance became known to accused No. 1. On the same day, accused No. 1 called the deceased on telephone and quarreled with her and asked her to return the money. The deceased left home with children by saying that she was going to return the amount. On the way, she jumped in to well along with three children and she committed suicide.

3. The evidence given by the witnesses, who are relatives of the deceased, is mainly against the husband and the incident took place mainly due to the conduct of the husband. In view of the nature of material available on the record, this Court holds that there is good arguable case atleast as against husband, respondent No. 1.

4. In the result, the application is partly allowed. Leave is granted only as against respondent No. 1, husband.

Application is rejected as against respondent Nos. 2 to 4.

5. Appeal is **admitted** only as against respondent No. 1, husband. Comply the provisions of section 390 of Cr.P.C.

[T.V. NALAWADE, J.]

ssc/