

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3160 OF 2013

The State of Maharashtra,
Through Police Station MIDC,
Latur.

...APPLICANT
(Ori. Complainant)

VERSUS

- 1) Rajkumar s/o Narsing Tele,
Age-23 years, Occu:Agri.,
- 2) Narsing s/o Nivrutti Tele,
Age-48 years, Occu:Agri.,
- 3) Anita w/o Narsing Tele,
Age-42 years, Occu:Agri.,

All R/o- Khandapur,
Tq. & Dist-Latur.

...RESPONDENTS
(Ori. Accused)

...
Mr. B.L. Dhas, A.P.P. for Applicant.
Mr. S.A. Wakure Advocate for Respondents.
...

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

DATE : 6TH JANUARY, 2015

ORAL ORDER :

1. Heard learned A.P.P. for State and Mr. Wakure, learned counsel for Respondent Nos. 1 to 3, finally. Perused the record.

2. The learned A.P.P. submits that the trial Court erred in acquitting the Respondents- accused as there was evidence of the complainant Sindhu regarding ill-treatment to her on the ground of her parents refusing the proposal of marriage of Pooja, the sister of her husband with her brother Vishnu and that there was demand of Rupees Five Lakhs. According to learned A.P.P., the complainant had claimed that she had miscarried because she was hit by the accused No.3 in the stomach. Thus, according to the learned A.P.P., present acquittal needs to be re-looked into.

3. Learned counsel for Respondents has opposed the Application claiming that the reasonings recorded by the trial Court for the

given evidence need not be disturbed and the view taken by the trial Court is a possible view.

4. Perusal of the Judgment of the trial Court shows that the trial Court considered the fact that the complainant had access to Mobile Phone but still she never complained about ill-treatment to her parents or to her brother. The other claim of the complainant that her father was assaulted when he had come to Khandapur was not supported by her own father. The trial Court also considered that although complainant claims in her examination-in-chief that she was admitted in the hospital by her father, she had to admit in cross-examination that it was the mother-in-law who had admitted her in the hospital. The trial Court reasoned out that if the mother-in-law (Accused No.3) had hit the complainant in stomach, she would not have taken the complainant in hospital and spent money for treatment. The trial Court also considered the fact that if the complainant

had been hit by kick blow, she would have suffered bleeding or serious pains but no such evidence had come on record. Even the father of the complainant deposed that he did not know the cause of death of baby which was yet to be born. For such reasons, the trial Court acquitted the accused. The learned A.P.P. is unable to show me from record that these reasonings recorded by the trial Court on the basis of evidence are not tenable or not borne out from the record.

5. The reasonings and findings recorded by the trial Court appear to be possible view of the evidence and thus, there is no reason to interfere in the acquittal recorded. There is no substance in the Application.

6. For the reasons stated above, the Criminal Application stands rejected.

[A.I.S.CHEEMA, J.]