

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

CRIMINAL APPLICATION NO. 3930 OF 2014

The State of Maharashtra
Through Police Station Officer,
Police Station Georai, Tq. Georai,
Dist. Beed.

...Applicant

versus

1. Dattatraya Dashrath Sakunde,
Age 34 years, Occu. Agril.,
R/o Komalwadi, Tq. Georai,
Dist. Beed.
2. Chandrakalabai w/o Dashrath Sakunde,
Age 60 years, Occu. & R/o as above.
3. Sangita W/o Pralhad Divekar,
Age 40 years, Occu. & R/o as above.
4. Pralhad S/o Abaji Divekar,
Age 50 years, Occu.& r/o as above. ...Respondents

.....
Mr. K.S. Patil, A.P.P. for Applicant
.....

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

DATED : 2ND FEBRUARY, 2015

Order :-

1. Heard learned Additional Public Prosecutor.
2. Perused the Record. It appears that marriage between deceased Sunita with respondent No. 1 - accused -

Dattatraya Dashrath Sakunde took place on 10-07-2011. The incident of committing suicide took place on 11-12-2011. There is evidence of P.W.1 Chhaya Dhakne, which shows that couple had resided in her house as tenant.

3. Learned Additional Public Prosecutor accepts that respondents No. 2 to 4 - accused were not residing with the couple. The trial court has discussed the evidence of P.W.1 - Chhaya Dhakne as well as another neighbour P.W. 3 -Taramati Gavande and disbelieved the witnesses for acquitting all the accused persons. The incident took place after couple of months of the marriage of deceased Sunita with respondent No. 1 - accused - Dattatraya Dashrath Sakunde. The victim and accused No. 1- Dattatraya Dashrath Sakunde were residing separately in rented house.

4. As far as respondents No. 2 to 4 are concerned, learned Additional Public Prosecutor does not heavily press, but according to him there is case made out at least against respondent No. 1 - Dattatraya Dashrath Sakunde. According to learned Additional Public Prosecutor, the evidence of neighbours has been wrongly ignored by the trial court. The incident took place in the house of respondent No. 1 -

Dattatraya Dashrath Sakunde. There was onus on respondent No. 1 - Dattatraya Dashrath Sakunde as to in what circumstances wife died.

5. There is arguable case as regards respondent No. 1 - original accused Dattatraya Dashrath Sakunde. As such, leave is granted regarding respondent No. 1. Application is allowed only so far as respondent No. 1 - original accused Dattatraya Dashrath Sakunde. Application as regards other accused stands rejected.

6. Application be registered as an appeal against respondent No. 1 - original accused Dattatraya Dashrath Sakunde.

7. Appeal is ***admitted***.

8. Paper-book be got prepared.

9. Action under section 390 of the Code of Criminal Procedure be taken against respondent No. 1 -original accused Dattatraya Dashrath Sakunde in the trial court and short report of compliance be called.

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