

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

CRIMINAL APPEAL NO. 464 OF 2014

Eknath s/o. Narayan Landge,
Age 60 years, Occu. Business,
R/o. Hiralal Chowk, Gandhi Galli,
Peth Beed, Tal. & Dist. Beed.

....Appellant.

Versus

1. The State of Maharashtra,
Through Police Station officer,
Police Station, Majalgaon (Rural),
Tal. Majalgaon, Dist. Beed.
2. Bapu s/o. Umaji Ghene,
Age 62 years, Occu. Labour,
R/o. Talkhed, Tal. Majalgaon,
District Beed.
3. Uttam s/o. Umaji Ghene,
Age 47 years, Occu. Agri.,
R/o. As above.
4. Kamal w/o. Bapur Ghene,
Age 57 years, Occu. Household,
R/o. As above.

....Respondents.

Mr. S.S. Thombre, Advocate for appellant.

Mr. K.S. Patil, APP for State.

Mr. B.S. Kudale, Advocate for respondent Nos. 2 to 4.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 1st April, 2015.

ORDER :

1. The appeal is filed to challenge the judgment and order of Sessions Case No. 10/2012 which was pending in the

Court of Additional Sessions Judge, Majalgaon. The learned Additional Sessions Judge has acquitted the present respondent Nos. 2 to 4 of the offences punishable under section 302 r/w. 34 of Indian Penal Code and also section 498-A r/w. 34 of I.P.C. The learned counsel for appellant, original complainant was heard on the point of admission. The learned APP was also heard. The State has not filed such appeal. This Court has seen the original record.

2. The deceased was a daughter of appellant. She was given in marriage to original accused No. 3 - Ramesh. Accused Nos. 1 and 2 are real brothers of Ramesh and accused No. 4 is the wife of brother of Ramesh. Ramesh is convicted and sentenced for offence punishable under section 302 of I.P.C.

3. The complainant had made allegations that after four years of the marriage, the husband became addicted to liquor and gambling and then he started giving illtreatment to the deceased. Three issues were born to the deceased. At the relevant time, Akshay, son of deceased, was aged about 14 years. Allegations were made that the respondents were harassing the deceased and so, Ramesh shifted his family to the village of complainant. For some time, they lived there, but they again returned to the native place of the husband, Talkhed. It is

contended that during the period of absence, the respondents had taken the possession of the house and other property of Ramesh and so, Ramesh started living with the deceased and his issues in other house. Allegations were made that the respondents continued to give illtreatment to the deceased and they were harassing her.

4. The incident in question took place on 12.10.2011 in the house where the deceased was living with her husband. The son of the deceased namely Aksay returned to home in the noon time and he noticed that the door of the house was in closed condition. When he opened the door, he noticed that the deceased was lying on the bed. There was one injury mark over her neck and she was not able to speak anything. He contacted the complainant and informed about the incident. The complainant rushed to the house of the deceased and she was shifted to the hospital. She died in the hospital. The doctor, who conducted the post mortom examination, has given the opinion that the death took place due to hanging.

5. Akshay gave statement before police and on the basis of material available, police filed chargesheet for aforesaid offences. Before the Trial Court, the doctor gave evidence that there is possibility that the ligature mark found on the neck of

the dead body can be caused due to strangulation. Akshay gave evidence that when he was making inquiry with the deceased, who was lying on the bed, she pointed finger to the respondents and at the relevant time, they were present on the entrance door of the house. The evidence of Eknath, present appellant, does not show that such information was supplied to him. The F.I.R. was given on 13.10.2011, but such information given by Akshay was not incorporated and it was only informed to Eknath by Akshay that the deceased had hanged herself.

6. The Trial Court has appreciated the evidence of Eknath, Akshay etc. and aforesaid medical evidence. The respondents were living in separate house. In view of these circumstances, the Trial Court has held only the husband guilty. In view of the nature of material available as against the respondents, this Court holds that nothing can be achieved by admitting the appeal against them.

7. In the result, the appeal is dismissed.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

ssc/