

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Revision Application No.95 Of 2003.

Bhaulal Bomtu Pardeshi.
Age: 60 Years, Occ.: Agriculturist.
R/o.: Bangaon, Tal. Chalisgaon.
Dist. Jalgaon. :: **Applicant.**

Versus

- (1) Rajendra Umrao Pardeshi.
Age: 26 Years, Occ.: Agriculturist.
- (2) Umrao Ramchandra Pardeshi.
Age: 45 Years, Occ.: Agriculturist.
- (3) Kamalbai Umrao Pardeshi.
Age: 40 Years, Occ.: Household.
- (4) The State of Maharashtra.

Respondent Nos. 1 to 3 R/o.: Shahpur,
Tal. Pachora, Dist. Jalgaon. :: **Non-Applicants.**

Appearance ==>

Mr. Rahul Sengaonkar, Advocate h/for Mr. P.R. Patil, Advocate for the Applicant.

Mr. Joydeep Chatterjee, Advocate for Non-Applicant Nos. 1 to 34.

Mr. V.P. Kadam, Additional Public Prosecutor for the State of Maharashtra / Non-Applicant No.4.

CORAM : V.M. DESHPANDE, J.

DATE : 23rd FEBRUARY, 2015.

ORAL JUDGMENT:-

Heard Mr. Rahul Sengaonkar, Advocate h/for Mr. P.R. Patil, Advocate for the Applicant, Mr. Joydeep Chatterjee, Advocate for Non-Applicant Nos. 1 to 3 and Mr. V.P. Kadam, Additional Public Prosecutor for the State of Maharashtra / Non-Applicant No.4.

[2] Present Criminal Revision Application is directed against the Judgment and Order dated 30th November, 2002 passed by 3rd Ad hoc Additional Sessions Judge in Sessions Case No.106 Of 2001 whereby, the learned trial court acquitted Non-Applicant Nos. 1 to 3 for the offences punishable under Section.s. 498(A), 306 read with 34 of the Indian Penal Code.

[3] With the able assistance of learned counsel, I have gone through the Record & Proceedings, which was called at the time of judgment of the present Criminal Revision Application.

[4] Present Criminal Revision Application is filed by Bhaulal Bomtu Pardeshi, who was first informant who lodged First Information Report Exhibit - 34 on 2nd April, 2001. In his report, it has been stated that his daughter Lata was married with Rajendra on 16th April, 2000. In the report it is alleged that Lata was subjected to cruelty at the hands of Non-Applicant Nos. 1 to 3. On 8th February, 2001 he received information that his daughter Lata is seriously ill and she has been admitted in the government hospital, therefore, he visited the hospital. First Information Report further discloses that upon enquiry with her, she disclosed that her husband, mother-in-law, father-in-law and sister-in-law have gave some sweet to her and after eating the same, vomiting took place and thereafter

she suffered convulsion, therefore, she was brought to the hospital. Report further discloses that, during the medical treatment, on 9th February, 2001 Lata died.

[5] Admittedly, Lata died on 9th February, 2001 and First Information Report is lodged on 2nd April, 2001. Thus, there is delay of about two months, in lodging the First Information Report. No explanation for delay is given by the prosecution. It has been stated by the first informant in his evidence before the court that, though he tried to lodge the report however, police authority desisted him in lodging the report. If that be so, it was open for the first informant to approach to the superior authority of the police and ought to have brought this aspects to their notice and ought to have taken steps for lodging the report. No such steps were taken by the first informant. Thus, delay remained to be explained. In view of the unexplained delay of two months, concoction of story cannot be ruled out. This aspect, in my view has correctly assessed by the trial court while acquitting Non-Applicant Nos. 1 to 3.

[6] Record shows that, when Lata was admitted in the hospital, her dying declaration was recorded by the police. Said dying declaration is at Exhibit – 30. Said dying declaration was recorded on 8th February, 2001. Thus, said was recorded immediately on her admission in the hospital. I have gone through the dying declaration. Dying declaration clearly discloses that due to accident, she consumed the poison believing it as a medicine. Thus, consumption of poison is purely accidental act and for that present Non-Applicant Nos. 1 to 3 cannot be held responsible for abetting the commission of suicide by Lata.

[7] The learned counsel for the applicant vehemently submitted that the prosecution has proved ingredient of Section 498(A) of the Indian Penal Code in respect of cruelty suffered by Lata, at the hands of Non-Applicant Nos. 1 to 3. Statement of present applicant was recorded by the Police during enquiry of accident death registered under 174 of the Code of Criminal Procedure vide A.D.No.4/2001. When his statement was recored, he has not disclosed that his daughter suffered any ill treatment at the hands of present Non-Applicant Nos. 1 to 3. On the contrary, he has admitted that his daughter was living happy marital life with her husband. This aspect has rightly assessed and evaluated the learned judge of court below, in paragraph Nos. 13 of the impugned judgment.

[8] Present Criminal Revision Application is against the acquittal. Scope of Revision against the acquittal is limited. Unless perversity is crept in the impugned judgment, revisional court should not readily interfere in the matter. The learned counsel is unable to point out any perversity in the impugned judgment. View taken by the learned trial court is permissible view on the basis of the available evidence on record. Hence, no case is made out. Criminal Revision Application is dismissed. Rule discharged.

(V.M. DESHPANDE, J.)