

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

APPELLATE SIDE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 194 OF 2003

Marotrao s/o Vithalrao Raut,
age 65 years, occ. Agril.,
r/o Purjal, Tal. Aundha,
Dist. Hingoli

...Applicant
[Orig. Complainant]

VERSUS

- 1] Shivaji s/o Muktiram Mane,
age 22 years, occ. Agril.,
- 2] Muktiram s/o Limbaji Mane,
age 52 years, occ. Agril.,
- 3] Sarubai w/o Muktiram Mane,
age 48 years, occ. Agril.,
- 4] Narayan s/o Limbaji Mane,
age 60 years, occ. Agril.,

All r/o Kaw-Jawala,
Tq. Partur, Dist. Jalna,

- 5] The State of Maharashtra ...Respondents

Mrs. C.E.Gaikwad , Advocate for the applicant absent
Mr. A.K.Bhosale, advocate h/f
Shri S.S.Jadhav, advocate for respondent nos. 1 to 4
Shri S.J.Salgare, APP for respondent No. 5

CORAM : INDIRA K. JAIN, J.
DATED : 7th December, 2015

ORAL JUDGMENT

Being dissatisfied with the order of acquittal passed by the learned Additional Sessions Judge, Jalna on 28.3.2003 in Sessions Case No. 27 of 1999 complainant-Marotrao s/o Vitthalrao Raut has preferred this Revision.

2] Applicant and his counsel are absent. They were absent on previous dates. Heard Mr. Bhosale, learned counsel for respondents 1 to 4 and Mr. S.J.Salgare, learned A.P.P. for respondent no. 5/State.

3] The facts giving rise to present Application may be stated, in brief, as under.

(i) Respondent nos. 1 to 4 were charged for the offences punishable under Sections 498-A, 304-B r/w 34 of the Indian Penal Code. Respondent no.1 is husband of deceased Sangita. The other respondents are relatives of respondent no.1.

(ii) It was alleged that after marriage of Sangita with respondent no.1 she was subjected to cruelty on demand

of money for purchase of a plot and motor cycle. On 2.7.1997 respondents administered her poison and caused her death.

(iii) Complainant Marotrao, father of the victim lodged report. On the basis of the report, crime was registered against the respondents.

(iv) On completion of investigation, charge sheet was submitted to the court of Judicial Magistrate, First Class, Partur, who in turn committed the case for trial to the court of Sessions.

4] Charge was framed by the learned Additional Sessions Judge, Jalna. Prosecution examined in all nine witnesses. On considering the evidence of prosecution witnesses and the material placed on record, Trial court found that guilt of accused is not established and consequently acquitted the respondents. Hence this Revision.

5] With the assistance of the learned counsel for respondent nos. 1 to 4 and the learned Additional Public Prosecutor this court has gone through the evidence of prosecution witnesses. There is no eye witness in the case. Though complainant stated

about illtreatment to the deceased at the hands of respondents, no specific instances were quoted. The material omissions and contradictions were found in the testimonies of prosecution witnesses and the complainant. Even medical evidence was doubtful to rule out the possibility of suicidal, accidental or natural death and pointing out the death in question as unnatural. In the absence of cogent and convincing evidence, Trial court held that prosecution has failed to prove its case.

6] No perversity, illegality or incorrectness is noticed in the order of the Sessions court and the reasoning recorded by the Trial court. As such no interference is warranted in Revisional jurisdiction. Hence the following order.

6] Criminal Revision Application No. 194 of 2003 stands dismissed.

[INDIRA K. JAIN, J.]

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