

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

CRIMINAL APPLICATION NO.4221 OF 2013

The State of Maharashtra
through M.I.D.C. Latur Police Station,
District Latur. ... APPLICANT

VERSUS

1. Lalasaheb Wamanrao Ghule
Age 35 years, R/o Sai Road, Latur.
2. Wamanrao Patolba Ghule,
Age 70 years, R/o Kostgaon,
Tq. Renapur, Dist. Latur.
3. Balasaheb Wamanrao Ghule,
Age 54 years, R/o Ambejogai Road,
Latur.
4. Sau. Shardabai Vaijinathrao Nagargoje,
Age 42 years, R/o Venkatesh Nagar,
Latur.
5. Sau. Pratibha Balasaheb Ghule,
Age 42 years, R/o Ambejogai Road,
Latur.
6. Priya d/o Vaijinath Nagargoje,
Age 26 years, R/o Venkatesh Nagar,
Latur.
7. Anusayabai w/o Wamanrao Ghule,
Age 60 years, R/o Kostgaon,
Tq. Renapur, District Latur.
8. Vaijinath Baliram Nagargoje,
Age 57 years, R/o Venkatesh Nagar,
Latur.

9. Vishnavi Ramkishan Dahiphale,
age 33 years, R/o Kostgaon,
Tq. Renapur, District Latur. ... RESPONDENTS

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Shri K.S. Patil, A.P.P. for the applicant

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

DATED: 3rd February, 2015.

ORAL ORDER :

1. Heard learned A.P.P. for the applicant/ State. Perused record and proceedings. Learned A.P.P. pointed out from the evidence that, in the records of the trial Court, there was oral evidence of P.W.1, who was the landlord, which shows that the deceased Kavita was residing with accused No.1 Lalasaheb Wamanrao Ghule along with her child P.W.7 Chaitanya and regarding the incident of hanging which took place. He submitted that, there was evidence of P.W.2 and P.W.3 regarding demand of money from the victim. Counsel referred to the evidence of P.W.7 Chaitanya to state that in the night before the incident, there was beating of victim by accused No.1 Lalasaheb Wamanrao Ghule.

2. The respondents No.2 to 9 appear to have been

residing separate from the couple. The marriage took place in 1998 and the incident is stated to be of 2010. There is evidence alleging that the other accused used to come and abuse. However, the trial Court, appreciating the evidence, did not believe the same and acquitted all the accused. Looking to the facts of the matter as emerging, there is arguable case as far as regards respondent No.1 accused Lalasaheb Wamanrao Ghule, the husband is concerned but not for other accused. Evidence needs to be reappreciated for accused No.1. After acquittal of the respondents No.2 to 9, it does not appear that there is case made out to interfere with the acquittal.

3. For the above reasons, the application is allowed only as far as regards respondent No.1 accused Lalasaheb Wamanrao Ghule. The application seeking leave against other respondents No.2 to 9, is declined. Leave is granted against respondent No.1 accused Lalasaheb Wamanrao Ghule. Application be converted into appeal against respondent No.1 accused Lalasaheb Wamanrao Ghule only.

4. Appeal is accordingly **admitted**.

5. Paper Book be got prepared.

6. Action under Section 390 of the Code of Criminal Procedure be taken against the respondent No.1 accused Lalasaheb Wamanrao Ghule in the trial Court and short compliance report be called.

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

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