

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's orders.	Office Coram, Court's orders or Registrar's orders.	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 5000 OF 2014

THE STATE OF MAHARASHTRA
VERSUS
DADARAO S/O KASHINATH CHAVAN AND OTHER

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Advocate for Applicant : Mr. S. A. Ambad.
APP for Respondents: Mr. A. M. Gaikwad.

CORAM: T. V. NALAWADE, J.
DATED: 31st JULY. 2015.

PER COURT:

1. The application is filed for grant of leave to file appeal against judgment and order of Sessions Case No.172 of 2013 which was pending in the Court of learned Assistant Sessions Judge, Beed. The respondents are acquitted of the offences punishable under section 306 read with 34 of I.P.C. and Section 32 (b) of Bombay Money Lending Act. Heard learned A.P.P. Seen the record.
2. The deceased was married son of Rukminibai (PW1). He committed suicide by consuming poison on

18th August, 2013. There is allegation that present Respondents had given loan to him and they were harassing him for repayment of the loan. On 18th August, 2013 the deceased had returned to home after having taken liquor and he had expressed to his mother that the accused persons were harassing him and he was fed up due to the harassment. Then he went to his room and he consumed poison. Attempt was made to save his life by taking him to hospital but he died on 19th August, 2013.

3. During investigation police recorded statements of witnesses like widow of deceased, Shubhangi, his uncle and other witnesses.

4. The evidence on record shows that the witnesses like the mother and wife have not stated anything about the previous loan of Rs.65,000/- which was allegedly taken from Accused No.2 though they have stated something about the fresh loan which was taken from Accused Nos.1 to 3. Most of the witnesses have given evidence which is of hearsay nature, except witness P.W.3 who has stated that in his presence the loan of Rs.12,000/- to Rs.13,000/- was given by Accused No.1 to

the deceased. However, he has not given evidence that these accused were asking deceased to give interest in respect of the loan. There is no record of loan transaction with these witnesses.

5. The evidence on the record shows that in those days the deceased was addicted to liquor. One of the witnesses has specifically stated that the deceased was mentally ill. In view of this nature of evidence, the trial Court has given acquittal to the accused. In respect of the offence punishable under section 32 (b) of Money Lending Act it is observed that there is no record and there is no specific evidence about the transaction made with other persons. This Court holds that nothing can be achieved by allowing the State to file appeal.

6. In the result, application stands rejected. Leave is refused.

[T. V. NALAWADE, J.]

Dt.31/07/2015
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