

The State of Maharashtra,
through Police Station,
Jafrabad, Dist.Jalna ..Applicant

Versus

Parmeshwar nana Pawar
and ors. ..Respondents

Mr.N.T.Bhaqat, APP for applicant – State

CORAM : M.T. JOSHI, J.
DATE : DECEMBER 10, 2015

PER COURT :

Heard both sides.

2] Aggrieved by the acquittal of the present respondents from the offences punishable under Section 306, 498-A read with 34 of Indian Penal Code, vide judgment and order dated 20th June, 2015 passed by learned Assistant Sessions Judge-2, Jalna in Sessions Case No.267 of 2014, the State wants to prefer an appeal and therefore, present application for grant of leave to file appeal, is preferred.

3] The prosecution case would reveal that deceased - Nirmala was married to present respondent no.1 prior to 20 to 22 years of her death due to drowning in the well while residing with the respondents. The prosecution case is that after a period of 3-4 years of the marriage, all the present respondents started abusing and assaulting the deceased over the demand of money. The complainant - Madhukar had given an amount of Rs.9,50,000/- from time to time to the respondents on certain occasions. Two days prior to the death of the deceased, respondent no.1 had called the complainant at his house and demanded an amount of Rs.25,000/- for payment of the remaining installment of the tractor. The complainant, however, expressed his inability to pay the amount and within two days thereafter, the deceased met with the death, as detailed supra.

4] Before the learned Assistant Sessions Judge, the complainant was examined as PW 1. PW 2 - Namdeo is his father while PW 3 - Sukhdeo is his relative. The learned Assistant Sessions Judge has appreciated the evidence. She found that only vague statements are made and no definite date, time or period of demand or illtreatment was given, except the fact that two days prior to the death of the deceased, some demand of money was made.

5] PW 3 - Sukhdeo has stated about the facts on the basis of the statements made by the prosecution witnesses and he has also made vague statements regarding the illtreatment. Considering all these facts on record, in my view, findings of the learned Assistant Sessions Judge, are based on the evidence on record. She has taken a reasonable and probable view of the matter.

6] In the circumstances, present application for grant of leave to file appeal, is hereby rejected. Leave refused.

[M.T. JOSHI, J.]

kbp