

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6074 OF 2014

The State of Maharashtra
Through Taluka Police Station,
Sangamner, Dist. Ahmednagar

.. Applicant
(Orig. Complainant)

Vs.

- 1] Kailas Anna Gaikwad,
Age 26 years, Occu.: Nil
- 2] Sanjay Anna Gaikwad,
Age 50 years, Occu.: Nil
- 3] Kantabai Sanjay Gaikwad,
Age 30 years, Occu. : Nil
- 4] Indubai Anna Gaikwad,
Age 70 years, Occu. Nil
- 5] Anna Nana Gaikwad,
Age 75 years, Occu.: Nil
- 6] Vilas Anna Gaikwad,
Age 42 years, Occu.: Nil
- 7] Surekha Vilas Gaikwad,
Age 35 years, Occu. : Nil

All R/o Karule, Tq. Sangamner,
Dist. Ahmednagar

.. Respondents
(Orig. Accused)

Mr. V.S. Badakh, A.P.P. for the applicant/State
Mr. K.N. Shermale, Advocate for the respondents

CORAM : M.T. JOSHI, J.
DATE : 20/10/2015

ORAL ORDER :

1. Heard both sides.
2. Aggrieved by the acquittal of the respondents from the offences punishable under section 498-A r/w. 34 and 306 of the Indian Penal Code, the State wants to prefer an appeal and therefore the present application for leave to file appeal is filed.
3. The prosecution case would show that deceased Sonali was married to respondent no.1 - Kailash on 25/4/2008. She died on 30/03/2013 apparently due to poisoning and, therefore the complaint came to be filed. The necessary investigation was carried. Therefore, the complaint was filed by father of the deceased that after about 15 days of the happy married life, there was ill-treatment to the deceased from all the present respondents on the domestic grounds, as detailed in the complaint and further for payment of Rs.1,00,000/- for construction of the house. To prove the actual case of demand, the complainant-father was examined supported by the step-mother of the deceased PW2 and step-sister of deceased i.e. PW3.

4. The learned Assistant Sessions Judge, Sangamner found vast contradictions between statements of those witnesses including certain other inconsistencies and, therefore, reasonable benefit of doubt was extended to the respondents.

5. The learned A.P.P. submits that the learned Assistant Sessions Judge has taken into consideration minor contradictions and has unnecessarily amplified the same.

6. On the other hand, learned counsel for the respondents supports the reasoning forwarded by the learned Assistant Sessions Judge.

7. Reading of the evidence as well as the reasons forwarded by the learned Assistant Sessions Judge would show that the complainant/PW1 has deposed that he has paid an amount of Rs.1,00,000/- to the respondents for construction of the house in three installments. His wife and another daughter i.e. PW2 and PW3 however were silent on this aspect of making the payment towards the unlawful demand.

. Learned Assistant Sessions Judge has taken into consideration other peripheral contradictions between the statements of these witnesses, as detailed in the judgment. Further, considering the prominent facts, learned Assistant Sessions Judge has extended reasonable benefit of doubt.

8. Since the learned Assistant Sessions Judge has taken into consideration all the material on record as detailed supra, grant of leave to file appeal would ultimately be an exercise in futility. In the circumstances, leave is refused. Application is dismissed.

[M.T. JOSHI]
JUDGE

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