

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

CRIMINAL APPLICATION NO.5672 OF 2013

The State of Maharashtra ... APPLICANT

VERSUS

1. Raghunath Bandu Songal,
Age 25 years,
2. Bandu Bhika Songal,
Age 47 years,
3. Gangubai Bandu Songal,
Age 43 years,
4. Sharad Bandu Songal,
Age 21 years,
5. Minabai Bandu Songal,
Age 19 years,

All R/o Mhalungi, Songalwadi,
Tq. Akole, District Ahmednagar ... RESPONDENTS

.....
Mrs. R.K. Laddha, A.P.P. for the applicant / State
.....

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

DATED: 24th February, 2015.

ORAL ORDER :

1. Heard learned A.P.P. for applicant - State. Perused record. Learned A.P.P. referred to the oral evidence from the

record of the trial Court. She submitted that, there was evidence that the accused persons were ill-treating victim Sangita for money. The accused No.1 used to beat Sangita and accused No.5 Minabai used to talk insultingly with the victim. She submits that, the victim committed suicide by jumping into well due to the ill-treatment. The marriage took place on 15.5.2009 and the incident occurred on 9.3.2010. She submits that, the judgment of acquittal is not proper and needs to be interfered with.

2. Looking to the material available, there are specific acts attributed to the respondent No.1 husband -Raghunath Bandu Songal and the evidence regarding other respondents - accused is general in nature. In view of this, there is case made out for leave only as against respondent No.1 - original accused No.1 Raghunath Bandu Songal. However, there is no case made out for grant of leave against the other respondents - accused Nos.2 to 5 to interfere in acquittal. The evidence needs to be reappreciated regarding respondent No.1 Raghunath Bandu Songal.

3. Leave is granted against respondent No.1 Raghunath Bandu Songal only. Application is converted into Criminal Appeal so far respondent No.1 Raghunath Bandu Songal is concerned.

4. Appeal is **admitted** only against respondent No.1 Raghunath Bandu Songal.

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 No.1 Raghunath Bandu Songal in the trial Court and brief report of compliance be called.

7. The application is rejected as regards respondents No.2 to 5 - original accused Nos.2 to 5.

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