

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	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 5574 OF 2012

THE STATE OF MAH
VERSUS
SANJAY NARSINGH KATARI AND ORS

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APP for Applicant : Mr. P. N. Mule.
Advocate for Respondent Nos.1 to 3, 6 & 7: Mr. R. L. Kute.

CORAM: T. V. NALAWADE, J.
DATED: 23rd JULY. 2015.

PER COURT:

1. The application is filed for grant of leave to file appeal against judgment and order of Sessions Case No.14 of 2009 which was pending before learned Assistant Sessions Judge, Sangamner, District Ahmednagar. The learned Assistant Sessions Judge has acquitted the accused of the offences punishable under sections 498-A, 306 and 34 of IPC. Heard learned A.P.P. and also other side.
2. The deceased was given in marriage to accused

No.1 Sanjay on 24th February, 2000. She committed suicide by hanging herself in matrimonial house on 27th December, 2008 i.e. 7 years after the marriage.

3. The F.I.R. was given by brother of deceased. There are allegations that the husband was making illegal demand of money and at-least on two occasions some amount was given by the father of the deceased to husband. It is contended that as there was demand of money and the demand was not met with there was ill-treatment to the deceased.

4. The prosecution has examined the parents of the deceased and also her brother. The evidence shows that the accused No.1 and P.W.1 Complainant had worked together at Nashik in the year 2003. The evidence does not show that there was much difference in the financial condition of the family of the accused and the family of the complainant. In any case, it is not contended that after December, 2007 there was demand of money by the husband.

5. The evidence on record shows that only interested witnesses are examined. When the inquiry was made with the neighbours of the husband, no neighbour was

examined as witness. The evidence on the record shows that a son of the deceased was suffering from heart disease and in the year 2007 the son had underwent heart surgery and for for that the amount of Rs.2 to 3 Lakh was spent by accused No.1. This circumstance shows that the accused No.1 was in a position to spend such an amount for giving treatment to his son and so it is not probable that there was ill-treatment on account of demand of meager amount of Rs.5,000/- or Rs.10,000/-.

6. The deceased has not left any suicidal note. Immediately after noticing the incident information was given to the parents of the deceased and the parents and the brother reached the matrimonial house of the deceased within few hours. This shows that there was no guilty mind of the accused and he informed the relatives of the deceased on parent side immediately after the incident. The cremation of the dead body was done by the husband and the relatives of deceased had stayed in the house of the husband even after the funeral and then they had approached police to give report. In view of all the aforesaid circumstances, the trial Court has held that there is no sufficient evidence to

make out a case of abatement of suicide in the present case. Presumption under section 113A of the Evidence Act was not available. There was no convincing evidence on demand of money and ill-treatment. No other view is possible. Nothing can be achieved by granting leave to file appeal.

7. In the result, application is rejected. Leave is refused.

[T. V. NALAWADE, J.]

Dt.23/07/2015
ans/5574