

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

CRIMINAL APPLICATION NO.6454 OF 2014

The State of Maharashtra
through City Police Station, Sangamner,
Tq. Sangamner, District Ahmednagar ... APPLICANT

VERSUS

1. Shafi @ Samir Shabbir Tamboli
Age 31 years, Occ. Business,
2. Shabbir Haji Latif Tamboli,
Age 68 years, Occ. Business,
3. Nasarin Shafi Tamboli,
Age 29 years, Occ. Household,
4. Shakil Shabbir Tamboli,
Age 33 years, Occ. Business,

All R/o Bharatnagar, Sangamner,
Tq. Sangamner, District Ahmednagar ... RESPONDENTS

.....
Shri K.S. Patil, A.P.P. for applicant – State
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CORAM: A.I.S. CHEEMA, J.

DATED: 11th March, 2015.

ORAL ORDER :

1. Heard learned A.P.P. for the applicant – State.
Considered the evidence and judgment. A.P.P. submits that, in
this matter, death has taken place due to consumption of poison
by victim Shabnam within 1 ½ year of marriage. Respondent

No.1 and Shabnam had married after a love affair. After registered marriage, traditional marriage was also got performed. A.P.P. submits that, accused No.1 was already married, which was not known to Shabnam and she came to know about the same only after the marriage. According to him, the accused persons ill-treated Shabnam after the marriage for demand of money and her chastity was being doubted and because of the ill-treatment given by the respondents – accused, she committed suicide.

2. Going through the material available, what appears is that, after marriage, deceased Shabnam and accused No.1 had taken a separate rented premise at Maldad Road, Sangamner and they were not residing with the other accused. The trial Court has clearly found from the evidence that there was no material of ill-treatment against the other accused Nos.2 to 4.

3. Looking to the material available that the accused No.1 was already married and entered into marriage with deceased Shabnam and then kept her in separate premises and further evidence regarding his treatment to her after marriage, there appears arguable case only as far as regards respondent No.1 Shafi @ Samir Shabbir Tamboli. The evidence needs to be reappreciated as far as regards respondent No.1 Shafi @ Samir Shabbir Tamboli. There is no sufficient material to interfere with

the acquittal of respondent Nos.2 to 4. Leave is granted only against respondent No.1 Shafi @ Samir Shabbir Tamboli. The application is converted into appeal as regards respondent No.1 Shafi @ Samir Shabbir Tamboli.

4. Appeal is **admitted** only against respondent No.1 Shafi @ Samir Shabbir Tamboli

5. Paper Book be got prepared.

6. Action under Section 390 of the Code of Criminal Procedure be taken against respondent No.1 Shafi @ Samir Shabbir Tamboli only in the trial Court and brief report of compliance be called.

7. The application is rejected as far as regards respondent Nos.2 to 4 – original accused Nos.2 to 4 are concerned.

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

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