

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.6455 OF 2014

The State of Maharashtra,
Through Police Station, Paranda,
Through Kundlik Bhagwan Jagdale,
R/o-Hadongri, Tq-Bhoom,
Dist-Osmanabad.

...APPLICANT

VERSUS

- 1) Pandurang @ Sachin Trimbak Gaware,
- 2) Trimbak Dasu Gaware,
- 3) Shila @ Satyashila Trimbak Gaware,
- 4) Gorakh Jyotiram Mirgane

All R/o-Jawala (N), Tq-Paranda,
Dist-Osmanabnad.

...RESPONDENTS

...
Mr. S.D. Kaldate, A.P.P. for Applicant.
None present for Respondents.

...

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

DATE : 27TH JULY, 2015

ORDER :

1. Heard learned A.P.P. for State. Perused record. Considered the evidence brought on record by the prosecution and reasonings recorded by the trial Court. The death occurred within seven years of the marriage. The trial Court has recorded reasons for acquitting the accused. According to the trial Court, the evidence was vague and omnibus.

2. The Respondents though served, are absent.

3. Looking to the fact that within seven years of marriage, the victim died of suicide by hanging, keeping in view the provisions of Section 106 of the Evidence Act, it appears necessary to re-appreciate the evidence as far as regards Respondent Nos. 1 to 3 are concerned, as the victim was residing in the house where these

Respondent Nos.1 to 3 were residing together with the victim. The Respondent No.4 - Gorakh Jyotiram Mirgane, it appears from the evidence, was residing separate. In the circumstances there is no ground made out for leave against Respondent No.4 - Gorakh Jyotiram Mirgane.

4. For reasons mentioned above, Application is allowed and leave is granted limited to Respondent Nos. 1 to 3 only. The Application is rejected as far as regards Respondent No.4 - Gorakh Jyotiram Mirgane. Application is converted into appeal.

5. Appeal is **Admitted** against Respondent Nos.1 - Pandurang @ Sachin Trimbak Gaware, Respondent No.2 - Trimbak Dasu Gaware and Respondent No.3 - Shila @ Satyashila Trimbak Gaware.

6. Paper Book be got prepared urgently.

7. Action under Section 390 of the Code of Criminal Procedure be taken against the Respondent Nos. 1 to 3 in the trial Court.

[A.I.S.CHEEMA,J.]

asb/JUL15