

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 6316 OF 2013.
IN
CRIMINAL APPLICATION NO.6315/2013.

The State of Maharashtra.
Through P.V. Pawar,
API, Rajur Police Station,
Taluka – Akole, District : Ahmednagar.
For the Complainant
Laxman Santu Pawade.
R/o.: Kuntewadi, Brahmanwada.
Taluka – Akole, District : Ahmednagar.

Applicant.

Versus

- (1) Balasaheb Vishnu Bhangare.
Age : 33 Years.,
- (2) Kalu Vishnu Bhangare.
Age : 29 Years.
- (3) Vishnu Soma Bhangare.
Age : 60 Years.
- (4) Minabai Lahanu Lohakare.
Age : 23 Years.,
- (5) Dhawalabai Vishnu Bhangare.
Age : 45 Years.,

Respondent Nos. 1,2,3 and 5
R/o.: Shiswad,
Taluka – Akole, District : Ahmednagar.

Respondent No.4 R/o.: Wanjul Shet,
Taluka – Akole, District : Ahmednagar.

Respondents.

Appearance =>

Mrs. R.K. Laddha, Assistant Public Prosecutor for the State of Maharashtra.

Mr. R.K. Temkar, Advocate for Respondent Nos. 1 to 5.

CORAM : **M.T. Joshi, J.**

DATE : **1st September, 2015.**

ORAL ORDER :-

Being aggrieved by the Judgment and Order dated 15th July, 2013 passed by the learned Additional Sessions Judge, Sangamner, District – Ahmednagar in Sessions Case No.14 Of 2012 thereby, acquitting the Respondents from the charge of offences punishable under Section/s 498(A), 306 read with 34 of the Indian Penal Code, the State wants to prefer the Criminal Appeal, therefore, present Application for leave to file Appeal.

[2] Heard both the sides. Case papers show that deceased Archana married to Respondent No.1 - Balasaheb on 10th May, 2007. They started residing at village Shiswad, Taluka - Akole, District - Ahmednagar. Deceased Archana died due to consumption of poison on 30th October, 2011. In the circumstances, her father Laxman Santu Pawade filed complaint on 31st October, 2011 against the Respondents. In the said complaint, it is alleged that Respondent No.1 - Balasaheb used to make demand of Rs. 1 Lakh to purchase a room at Mumbai. As and when occasion arose, deceased used to narrate about the same to her parental relatives. She also used to complain that all the Respondents were ill treating her and even used to put her on

starvation for the above demand. She in the meantime, delivered a child. Again when she was pregnant at that time also demand was repeated. That time, dispute arose between the deceased and the Respondents. In the circumstances, meeting was called on 22nd April, 2010. Even the undertaking was executed by Respondent No.1 before the Notary that he would not ill treat the deceased. Ill treatment however continued. In the circumstances, on 26th October, 2011 deceased consumed poison and ultimately, in the hospital, she died on 30th October, 2011 at 10.00 p.m.

[3] The evidence on record as well as reasoning of the learned Sessions Judge would show that deceased Archana had also executed undertaking thereby, promising to behave properly in the matrimonial house. Her sister PW No.3 – Suvarna Somnath Kachare has deposed in the cross-examination that deceased Archana wanted to reside in a city however, she was made to reside in a village, which is a small village in a remote area, therefore, deceased herself wanted that Respondent No.1 should work in Mumbai. In the circumstances, according to the learned Sessions Judge, expectation of the deceased could not be fulfilled due to difficulty of arrangement of room at Mumbai. Further contradictory statements between the First Information Report and the statement of the Complainant were taken into consideration and the learned Sessions Judge extended the benefit of doubt in acquitting the present Respondents.

[4] Upon hearing, I am of the view that, reasonable and probable view, considering the material available on record is taken

by the learned Sessions Judge. In the circumstances, leave to file Appeal is refused. Criminal Application is accordingly dismissed.

(M.T. JOSHI, J.)