

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.6823 OF 2013

The State of Maharashtra, Through
PSO Bhokardan Police Station,
Dist-Jalna.

...APPLICANT
(Orig. Complainant)

VERSUS

- 1) Sominath s/o Punjaram Deore,
Age-34 years, Occu:Agri.,
- 2) Punjaram s/o Pandurang Deore,
Age-52 years, Occu:Agri.,
- 3) Balu alias Balaji s/o Punjaram Deore,
Age-27 years, Occu:Agri.,
- 4) Dwarkabai w/o Punjaram Deore,
Age-65 years, Occu:Household,

All R/o-Village Muthad,
Tq-Bhokardan, Dist-Jalna.

...RESPONDENTS
(Orig. Accused)

...
Mrs.R.K. Ladda A.P.P. for Applicant.
...

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

DATE : 11TH FEBRUARY, 2015

ORAL ORDER :

1. Heard learned A.P.P. Perused record.

2. It appears that victim Nanda was married to Respondent No.1 twelve years before the incident, which took place in July 2012. It seems that on 29th July 2012 accused No.1 inquired with the complainant PW-1 Appa if the victim had come to his house. Search was taken but she could not be traced. On next day when they fetched water from the well which was in the field, dead body of Nanda was found. The complainant PW-1 Appa filed F.I.R. stating that marriage took place twelve years back and since 1^{1/2} years before incident the accused persons started ill-treating and making demand of Rupees Two Lakhs to purchase field. Evidence was brought of PW-2 Vandana, sister of victim and PW-3 Dwarkabai, mother of the victim for said cruelty. One PW-4 Jijabai was examined to

depose that the victim was working in the field with her and 4-5 days before the incident she had complained about accused No.1 beating her and pressing her neck. According to the learned A.P.P., looking to the evidence the acquittal was not justified and accused should have been convicted and so leave be granted.

3. Going through the material, it can be seen that the trial Court has appreciated the evidence which was brought before it. At the time of evidence PW-1 Appa claimed that in 12 years of marriage after 1^{1/2} years of marriage ill-treatment started. This was not in consonance with the report Exhibit 22 which stated that 1^{1/2} years before date of death of Nanda, alleged ill-treatment started. The evidence of PW-4 Jijabai was also discussed to observe that the evidence of Jijabai can not be said to be natural and reliable. The dead body was found from unbuilt well which appears to have had depth of 42 ft.

with water up to 6 ft. The defence taken by the accused was that victim had accidentally fallen in the well.

4. Weighing the evidence, the trial Court acquitted the accused. Looking to the material available, for the given evidence, the view taken by the trial Court is possible view. No ground to grant leave is made out. There is no substance in the Application.

5. The Criminal Application stands rejected.

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