

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 60 OF 2015

The State of Maharashtra.

..Applicant.

Versus

Sou. Sampada Shrirang Biradar
and Others.

..Respondents.

Mr. K. V. Saste, learned APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **November 19, 2015.**

P. C. :

1. Heard. Application is taken out for leave to appeal against the judgment and order of acquittal of the Respondents in Sessions Case No.11 of 2013 made by Additional Sessions Judge, Ratnagiri. The Respondents were charged with the offence punishable under sections 307 and 201 read with 34 of the Indian Penal Code, 1860. The Respondents were tried on the allegation that they have committed murder of their own infant female child. Respondent Nos.1 and 3 are the parents whereas Respondent No.2 is the grand-mother of deceased. The allegations against them is that as the couple was already having one female child, therefore they were unhappy to have another

female child, namely, the deceased infant female baby.

2. The learned Sessions Judge has recorded a finding that the death of infant female child was not homicidal. This finding is recorded on the basis of evidence of Medical Officers – PW-5 and PW-7. Having gone through the notes of evidence, we are of the opinion that view taken by the learned Sessions Judge is possible view. Otherwise also the entire case is based upon circumstantial evidence. The prosecution could not establish the chain of circumstances so as to arrive at a conclusion that the Respondents have committed the offences with which they are charged. We do not see any perversity in the finding so arrived at by the learned Sessions Judge. Hence, leave to appeal is refused. Application stand disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]