

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.709 OF 2014

Tatoba Ganpati Bad	 Appellant
V/s.	
Sandip Navnath Karche & Ors.	 Respondents

Mr. Siddheshwar Baba Kalel for the Appellant.

Mrs. S.D. Shinde, A.P.P., for Respondent No.4/State.

CORAM : P.V.HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 13TH FEBRUARY, 2015.

P.C. :

1. This is an Appeal under Section 372 of the Code of Criminal Procedure filed by PW-3, father of deceased Sangita, questioning the correctness of the Judgment of the Additional Sessions Judge, Malshiras, Solapur, dated 8th July, 2014 in Sessions Case No.44 of 2011, acquitting Respondent Nos.1 to 3 for the offence punishable under Section 498A, 304B and 306 r/w. 34 of the Indian Penal Code.

2. Prosecution, in order to bring home the offence against the Accused beyond reasonable doubt, principally, placed reliance on the testimony of PW-3 Tatoba, PW-4 Gopichand and PW-5 Bapurao. The Trial Court, at paragraph [16] of the Judgment, has dealt extensively with the various contradictions, improvements and omissions in the evidence of these

witnesses. There are major omissions in the evidence of these witnesses in respect of the alleged demand and the narration of ill treatment to deceased Sangita by the Accused. The cross-examination of PW-4, at paragraph (4) of the deposition, indicates that the tethered cow was near the well and the defence of the Appellant that deceased Sangita had died due to fall in the well while drawing water for giving it to the cow, has virtually been established by virtue of the admissions in the cross-examination. The father of deceased Sangita, PW-3 Tatoba, has also not deposed about the date of marriage of Sangita with Accused No.1 Sandip Karche. The Trial Court, upon appreciation of evidence and the fact that deceased Sangita had died due to fall in the well while drawing water and the said fact was not disputed by the Accused, came to be conclusion that death of Sangita was accidental on account of fall in the well.

3. We have heard Mr. Kalel, the learned Counsel for the Appellant, with whose assistance we have perused the depositions annexed to the Memorandum of Appeal. We have also perused the record and proceedings and upon such perusal, in our opinion, the view taken by the Trial Court is a possible view to be taken on the basis of the evidence on record. We do not notice any perversity in the reasoning of the Trial Court to warrant any interference in this appeal against acquittal.

4. Accordingly, this Appeal is dismissed, confirming the acquittal of the Respondent Nos.1 to 3.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[P.V.HARDAS, J.]