

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1012 OF 2014

Bhavkana @ Bhaurao Laxman
Gaundadkar

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Anand S. Patil for the Applicant

Mr. A.R. Patil, APP, for the Respondent -State.

CORAM:-M.L. TAHALIYANI, J.

DATED : -26/02/2015

P.C.

Heard learned Advocate Mr. Anand Patil for the Applicant. The Applicant is facing trial for the offences punishable under sections 498-A and 306 of the IPC. The deceased was wife of the Applicant. The Applicant admittedly was not at home at the time of recovery of dead body from the well. It is alleged in the FIR as well as statements of witnesses that the Applicant had been demanding dowry from parents of the deceased from the very beginning of marriage.

2. I have gone through the statements of witnesses. I have gone

through the statements containing the incident which had occurred after about three years of the marriage. On the said date the Applicant had gone to the house of his parents-in-law and had demanded four wheeler. He had stated that unless four wheeler auto vehicle was given to him he would not take away the two wheeler and the ornaments already given to him. Apart from this there is an incident of 14.2.2013 in which the deceased was invited for some function at her parental house alongwith her family including the Applicant. It is alleged that the Applicant sent the deceased alone and did not accompany her. Learned counsel for the Applicant has submitted that this incident do not in any manner indicate that the Applicant had instigated the commission of suicide by the deceased. My attention is drawn to the statement of the son of the deceased who had stated that the deceased left home at about 11.00 p.m. without any reason. He has also stated that before she left home, there was a phone call from brother of the deceased and that the deceased crushed her mobile phone after the call was over. It is very difficult to state that as to why she crushed the mobile phone. It is noted that the phone call was not from any stranger but from her own brother. Therefore it is difficult to relate that incident to the suicide of the deceased.

3. Learned APP, Mr. Patil has submitted that incident narrated by the parents of the deceased and the relatives will have to be considered by the Court if the evidence comes to that effect before the Trial Court and Trial Court will have to decide as to whether the acts of omission on the part of the Applicant amounted to instigation.

4. I am in full agreement with the learned APP that it is not possible and permissible at this stage to dissect the statement of the witnesses recorded by the police and give opinion on that. In view thereof I do not find any substance in the application. Discharge application has been rightly rejected by the Trial Court. However, considering the fact that the Trial itself will not take longer time and the Applicant is a teacher working in Government aided school it is directed that trial be expedited and same shall be concluded within a period of two months from the date of receipt of this order.

5. The application stands disposed of accordingly.

(JUDGE)