

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
REVISION APPLICATION NO.220 OF 2015

Ms Jasmine Mohd. Ayub Shaikh Applicant
Vs.
The State of Maharashtra Respondent

Mr. Sayaji D. Nangre with Mr. Rajiv Sawant and
Mr. Ranjeet Pawar for the Applicant.
Mr. D.P. Adsule, APP, for the Respondent-State.

CORAM: A.V. NIRGUDE, J.

DATED: DECEMBER 03, 2015

P.C:

1. This revision application challenges order dated 30-7-2014, passed by the learned Additional Sessions Judge, Greater Bombay refusing to discharge the applicant from Sessions Case No.449 of 2013. The applicant is accused No.4 in this Sessions Case.

2. The prosecution case, in short, can be stated as under:-

Accused No.1 was the husband of the victim. The

applicant/accused No.4 is the second wife of accused No.1. It is alleged that accused Nos.1 to 3 took the victim in their car, drove to a secluded place and then throttled her. Soon thereafter, the victim was found lying dead at the secluded place by the victim's relatives and therefore a complaint was made and offence was registered. The case against the present applicant is based on suspicion that it was because of accused No.1 getting married second time with her, she conspired for commission of the offence. There is no material on record to indicate that there was meeting between the accused and the applicant and that there was a conspiracy. All that the prosecution places reliance for indicating the applicant's role in the case is that few months prior to the incident, the applicant sent an e-mail to her husband, accused No.1, threatening him that if he did pay Rs.1,00,000/- to her, he and his family would have to face dire consequences. There is no indication in this communication that the applicant directly threatened to cause harm to the applicant's first wife. The communication, in fact, indicates that there was some dispute between the applicant (wife) and accused No.1

(husband) and due to said dispute, the applicant was demanding a sum of Rs.1,00,000/-. The communication did not indicate that the applicant was upset because accused No.1 had gone back to his first wife, etc., deserting her. There is, therefore, no ground for proceeding against the applicant in this case.

3. In view of the above, the application is allowed; the impugned order is set aside and the applicant stands discharged from Sessions Case No.449 of 2013. The application accordingly stands disposed of.

(A.V. NIRGUDE, J.)