

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.59 OF 2015**

State of Maharashtra

..Applicant.

versus

Nana Biru Badare and others

..Respondents.

.....
Mr. H.J. Dedhia, Addl.P.P. for the State - Applicant......
**CORAM : B.P. DHARMADHIKARI &
A.S. GADKARI, JJ.****29th July, 2015.****P.C. :**

State Government has filed this Application under Section 378(3) of the Criminal Procedure Code seeking leave to challenge the judgment dated 17th February, 2015 delivered by the Additional Sessions Judge, Kolhapur in Sessions Case No.121 of 2008 acquitting seven Respondents for an offence punishable under Sections 498A, 304B, 306 read with 34 of the Indian Penal Code.

2. It is not in dispute that deceased Pravina, sister of P.W.1 - Pramodini committed suicide by hanging within one year and one month of her marriage.

3. The effort of the learned APP is to point out ill-treatment extended to Pravina on account of demand of Rs.5 lacs by her husband Nana by placing reliance upon the evidence of P.W.1 - Pramodini and P.W.2 - brother of the deceased.

4. He submits that she was an earning member working as insurance agent and as the husband wanted permanent employment

in an aided institution, he had demanded an amount of Rs.5 lacs. The evidence on record shows that the parents of the deceased and other relatives had gone to the place of the accused persons in July, 2007 to persuade them not to insist for such payment. The father of the deceased then pointed out that he was not in a position to pay that sum as he was required to spend for marriage of his three daughters.

5. With the assistance of the learned APP, we have perused the evidence. No specific date as such of the alleged demand or the alleged visit has been brought on record. Pramodini (P.W.1) has deposed that thereafter after four to five months Pravina was dropped at Pramodini's residence by her in-laws. That Pravina had complained that she was beaten by her brother-in-law Kashiling on account of money. She has further alleged that Pravina also told her that rest of the accused persons also beat her due to the said demand. This beating by the other persons or by Kashiling is not deposed by the brother of the deceased.

6. The Trial Court has after appreciating the evidence on record found that the ill-treatment for fulfillment of demand has not been established on record.

7. In addition, the Trial Court has also found that Pravina had left a chit requesting not to blame anybody for her suicide. In paragraph 16 of its judgment, the Trial Court has found that the prosecution did not find that the said chit was not in the handwriting of Pravina or the same was planted by the accused persons. In that chit Pravina has expressed her love for her husband and requested that her licence of functioning as LIC agent be transferred in his name.

8. We, therefore, find that the Trial Court has looked into all the relevant evidence and has taken a possible view. No case is, therefore, made out warranting interference under this jurisdiction. Leave rejected.

(A.S. Gadkari, J.)

(B.P. Dharmadhikari, J.)