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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (ALS) No. 91 OF 2015
(For Leave to file Appeal.)

The State of Maharashtra ..Applicant.

Vs

Ganesh Chandrakant Aglave & ors ..Respondents.

Mrs P.P. Bhosale, APP for the State.

CORAM : A.R.JOSHI,J

DATE : 22nd September,2015.

P.C. :-

1. Heard learned APP for the State on this application for leave to file appeal challenging the acquittal of the respondent nos. 1 to 3 in the matter of offences punishable under sections 498-A and 306 read with section 34 of IPC.

2. The judgment and order of acquittal was passed by Additional Sessions Judge, Barshi, District Solapur in Sessions Case No.187 of 2014 on 5th May, 2015.

3. The case of the prosecution in nut-shell is that the victim woman was married with respondent no.1 in May, 2013. She was being ill-treated by her husband respondent no.1 and her

in-laws respondent nos. 2 and 3, on the count of bringing Rs. 2,00,000/- for purchasing Scorpio vehicle. The victim woman had informed this demand to her parents and brother on many occasions. However, the demand could not be fulfilled. On 19th April, 2014 i.e. less than a year after the marriage, the victim woman committed suicide by hanging herself. The intimation was given to the parents of the victim. Noticing that it was the foul play on the part of the respondents-accused, a complaint was lodged with the police. The charges were framed against the respondents for the offences under section 498-A and 306 read with section 34 of IPC.

4. During the trial, five witnesses were examined by the prosecution. What weighed with the trial Court was the substantive evidence of the father of the victim woman. He stated that though at occasion his daughter told him regarding demand of money, no complaint was lodged with the police as it was the internal family matter. Also what weighed with the trial Court was the apparent criminal cases, admittedly, lodged against the father of the victim and also against the brother of the victim who is PW no.3. The trial Court held that it was possible that the victim woman might have committed suicide due to carrying of the tension of the prosecution against her father and brother. Apart from this, the trial Court analyzed the substantive evidence of PW no.5 Investigating Officer. According to the Investigating Officer, he recorded the statements of various witnesses who were the neighbours and they had not

supported the case of the prosecution as to torture or ill-treatment of the victim woman at the hands of her husband and in-laws.

5. Considering the reasons given by the trial Court and the effect of the substantive evidence, in the opinion of this Court, the conclusion arrived at by the trial Court cannot be considered as of such a perverse nature so as to be interfered with in appeal. In the result, there is nothing to re-agitate the issue by allowing the State to prefer an appeal challenging the acquittal. Hence, the present application for leave to file appeal is accordingly dismissed and disposed of.

(A.R.JOSHI, J.)

CERTIFICATE.

Certified to be true and correct copy of the original signed order.