

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION [ALS] NO.104 OF 2015

The State of Maharashtra	..Applicant
<i>Versus</i>	
Hitesh Dinkar Joshi	..Respondent

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

....

CORAM : A. R. JOSHI, J.

DATE : 21st SEPTEMBER, 2015

P.C.

1. Heard learned APP for the State on the application for leave to file appeal challenging the acquittal of the respondent in the matter of offence punishable under Section 306 of IPC.

2. What weighed with the trial Court was apparent lack of evidence as to any ill-treatment allegedly given to the victim, aged mother of the respondent/accused. The trial Court also discussed the substantive evidence of the prosecution witnesses and came to the conclusion that there was nothing on record that the respondent/accused ill-treated his mother to such an extent that she committed suicide by jumping from the window

of the ground floor flat when she was residing along with her son [present respondent] and his family members. The trial Court also came to the conclusion that even the prosecution failed to establish that it was a suicide and the Court came to the conclusion that it was an accidental death because of fall of the elderly woman from the window.

3. Considering the substantive evidence of prosecution witnesses and mainly the evidence of two matrimonial uncles of the respondent i.e. two brothers of the victim woman, in the opinion of this Court, the view taken by the trial Court cannot be considered as of such a pervert nature so as to be interfered with. In other words, it must be said that this is not a case which is required to be reagitated at the instance of the State by allowing it to file appeal challenging the acquittal of the respondent. In the result, there is nothing in the present application for leave to file appeal and the same is accordingly dismissed and disposed of.

(A. R. JOSHI, J.)

CERTIFICATE

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