

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Appeal No.24 of 2003
(State of Maharashtra thr PSO PS Arvi, Dist- Wradha V Devanand Kamdi
and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

[Shri V.A. Thakare, APP for State.
Shri S.D. Dharaskar, Adv for respondents]

CORAM : A.B. CHAUDHARI, J.
DATED : 23.06.2015.

Heard the learned Counsel for the
rival parties.

This is an appeal preferred by the
State against the judgment and order passed in
Regular Criminal Case No.37 of 1997 by the
Judicial Magistrate First Class, Arvi on
04-09-2002 acquitting the respondents.

In support of the appeal Shri Thakare,
the learned APP for the State submitted that
the impugned judgment suffers from perversity
and therefore deserves to be set aside and
accused be convicted.

Per contra, Shri Dharaskar, the
learned Counsel for the respondents submitted
that the order of acquittal cannot be
interfered with because the trial Court
rightly found that no offence under Section
498-A of the Indian Penal Code was proved.

I have perused the impugned judgment and order. I have perused the evidence of complainant Sau. Meena, so also FIR. I have perused Section 498-A of the Indian Penal Code. Upon reading of FIR and evidence, it appears that the husband of Meena did not find her sex in order. There is no other evidence about cruelty as contemplated by Section 498-A of the Indian Penal Code for which the respondents could be held guilty. The root cause appears to be the sex of Meena, but then offence under Section 498-A of the Indian Penal Code for whatever happened was not proved.

Shri Thakare, the learned APP fairly pointed out to me the papers about divorce and submitted that finally husband and wife parted way by the said document styled as Release Deed . In the above facts and circumstances, I think no interference should be made with the impugned order and judgment. Hence, I make the following order :-

Order

Criminal Appeal No.24 of 2003 is dismissed.

JUDGE