

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO.115 OF 2015

IN

CRIMINAL APPEAL NO. 259/2015

Sau. Sonali w/o Amol Dhamankar ..vs.. Amol s/o Madhukar Dhamankar & others

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

Court's or Judge's orders.

Mr. S. Raisuddin, Advocate for appellant.
Mr. N. G. Jetha, Advocate for respondents.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 9, 2015.

This is an application for grant of leave to
appeal.

For the reasons stated in the application, it
is allowed.

Criminal Application No.115/2015 is
disposed of accordingly.

Criminal Appeal No. 259/2015

Heard learned counsel for the appellant.

This appeal is filed by the victim against
order of acquittal of accused nos. 2 to 4.
Mr.Raisuddin, learned counsel for the appellant,
vehemently argued that there is perversity on the
part of the trial court in recording acquittal of
accused nos. 2 to 4 in as much as they also
participated in the cruelty against the applicant. He,
therefore, submitted that order of acquittal should
not have been made.

Per contra, Mr. Jetha, learned counsel for non applicant nos. 2 to 4 and Mr. Bangadkar, learned A.P.P. for state supported the impugned judgment and order of acquittal and submitted that there is no specific evidence against accused nos. 2 to 4.

I have seen the judgment and the reasons recorded by the trial Judge in paragraph 26. Paragraph 26 of the impugned judgment reads thus:

“26. It is pertinent to mention here that there is no specific incident stated by any of the witnesses against the accused nos. 2 to 4. It is seen that there is general allegations against them. From the evidence on record, it appears that P.W. 1 Sau sonali has admitted in her searching cross-examination that the kitchen of elder brother of her husband Amol i.e. accused no.3 was separate from their kitchen, so also the business of accused No.1 and accused No.3 are also separate and personal, which means that all accused persons were not residing together. Therefore, as per the evidence on record it cannot be concluded that there was ill treatment, harassment and beatings to P.W.1 Sau. Sonali from accused nos. 2 to 4.”

Perusal of the above reasons clearly shows that so far as accused nos. 2 to 4 are concerned, there is no evidence at all that too any specific about act of accused nos. 2 to 4 for attracting the ingredients of section 498-A IPC. It is true that the trial court has convicted accused no. 1-Amol since the trial Court found specific evidence against him. However, no specific evidence is brought on record in respect of accused nos. 2 to 4.

In that view of the matter, I think order of acquittal cannot be faltered. Hence, I pass the following order.

ORDER

- (i) Criminal Appeal No.259/2015 is rejected.

JUDGE