

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Criminal Application (APL) No. 688 of 2014
[Smt. Ujjawala Suresh Ganvir Vs. State of Mah. & another]

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

Court's or Judge's orders

Mr. J.B. Kasat, Adv., for the Applicant.
Mr. R.S. Nayak, APP for respondent no.1.

- - - - -

**CORAM : A.B. CHAUDHARI AND
P.N. DESHMUKH, JJ.**

DATE : 13th January, 2015.

Heard learned counsel for the rival parties.

Learned counsel for the applicant pointed out to us the following circumstances:-

[a] That, the FIR was lodged two months after the incident.

[b] That, the FIR, if seen, does not at all disclose any kind of abetment or instigation contemplated under

Section 306 of India Penal Code and, therefore, no offence is made out.

Learned Adv., for the applicant, therefore, contended that even if the case is sent for a trial since the charge-sheet has been filed, no fruitful purpose would be served in continuing with the trial.

The submission is appealing. However, we find from perusal of FIR as well as charge-sheet that it is not possible for us to record an affirmative finding that a mere delay in lodging FIR has rendered the prosecution case weak and highly improbable so as to warrant quashment of the charge-sheet. We are also not in a position to record a further finding upon reading of FIR and the investigation paper that there was no abetment or instigation, or the conduct of the applicant was such as not to drive her deceased husband to commit suicide.

In our opinion, that is all the matter of appreciation by marshaling the investigation papers or the evidence, as the case may be. We, therefore, think that the appropriate course for the applicant is to approach the Trial Court where a charge-sheet has been filed and she may take such steps as may be advised for discharge, since the case is sent for a trial.

Application is disposed of with
liberty.

Judge

Judge

| Hedau |