

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 1158 OF 2015**

Ramesh Sajan Patil

..Applicant

VERSUS

The State of Maharashtra  
and others

..Respondents

--

Mr. Amit S. Savale, advocate for applicant  
Mr. R.V. Dasalkar, A.P.P. for respondent no.1  
Mr. Joydeep Chatterji, Advocate for respondent  
nos. 2 to 8

--

**CORAM : M.T. JOSHI, J.**

**DATE : MARCH 01, 2016**

**PER COURT :**

Heard both sides.

2. Aggrieved by the acquittal of the respondent nos. 2 to 8/original accused from the offences punishable under Section 147, 148, 324, 306 read with 149 of Indian Penal Code vide judgment and order dated 10<sup>th</sup> December, 2014, passed by learned Additional Sessions Judge, Dhule in Sessions Case No. 97 of 2010, the original

complainant wants to prefer an appeal, and therefore, the present application for grant of leave to file appeal.

3. The prosecution case, in short, is that the deceased-Umesh had married with present respondent no.8-Shobha in the year 2007. Present respondent nos. 1 to 7 are relatives of the present respondent no.8 - Shobha. All the respondents/accused used to illtreat deceased - Umesh. It is the case of prosecution that on 10.09.2009, the respondents/accused assaulted the deceased and even he was unable to walk. Ultimately, on 13.02.2009, by leaving a suicide note, deceased-Umesh committed suicide. As regards the allegations of the previous beating, one eye witness was examined i.e. PW2-Nurulhasan before the learned Additional Sessions Judge.

4. Learned counsel for the applicant submits

that the learned Additional Sessions Judge has not taken into consideration the fact of having injuries on the person of the deceased. He only appreciated the injuries of compression of neck. The learned counsel for the applicant submits that the other injuries on the person of the deceased-Umesh would corroborate the commission of the offence.

5. Mr. Chatterji, learned counsel for the respondents/accused submits that there is difference in the dates of the incidents.

6. Considering all the facts on record, in my view, an arguable case is made out.

7. In the circumstances, leave to file the appeal is hereby granted. The present application is therefore allowed and disposed of accordingly.

8. The appeal be registered according to the due procedure of law.

9. The appeal is **admitted**.

10. Learned A.P.P. for respondent no. 1/State and Mr. Chatterji, learned counsel for the respondent nos. 2 to 8, waive service of notice upon admission of the appeal.

11. Action under section 390 of the Code of Criminal Procedure be taken against the respondents/accused.

**[M.T. JOSHI, J.]**

kbp