

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2013 OF 2015

Sonali Ravindra Hile

..APPLICANT

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. B.G. Sagade Patil, Advocate for applicant.

Mr. S.D. Ghayal, APP for Respondent No.1.

Mr. M.K. Deshpande and Mr. P.P. Naik, Advocates for Respondent Nos.2 to 8.

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CORAM : INDIRA K. JAIN, J.

DATED : 4th APRIL, 2016

ORDER :

. This is an application for leave to appeal under Section 378(4) of the Code of Criminal Procedure against the judgment and order dated 04.03.2015 passed by the learned Judicial Magistrate First Class, Rahata in R.C.C. No. 113/2012. By the said judgment and order accused were acquitted of the offences punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code.

2. It is the case of prosecution that applicant Sonali is the legally wedded wife of Ravindra Accused/Respondent No.2. Their marriage was performed on 25.05.2010. Initially for one and half years she was treated

well in her matrimonial house. It is alleged that thereafter her husband and his relatives started ill-treating her on demand of Rs.50,000/- for purchase of an ape rickshaw. She was driven out of the house for non fulfillment of demand. She then lodged report with police. Crime was registered. After investigation charge-sheet was filed before the learned Magistrate.

3. Charge was framed against the accused. They pleaded not guilty and claimed to be tried. Prosecution examined complainant a solitary witness. The learned APP filed purshis (Exhibit 37) on the same day stating therein that dispute was settled between complainant and accused and so prosecution does not wish to examine any other witness.

4. Based on the evidence of complainant and purshis, Trial Court came to the conclusion that there was no evidence to prove the guilt of accused. Consequently accused were acquitted. Being aggrieved thereof, present application for leave to appeal has been filed.

5. Learned Counsel for applicant vehemently contended that no compromise had ever taken place. APP joined hands with the accused and misled the Court by filing purshis. Learned Counsel would submit that in fact there was no compromise between the parties and incorrect

statement was made before the Court that dispute was settled. Applicant submits that she has a strong case on merits and prays to grant leave to appeal.

6. Per contra learned Counsel for Respondent Nos.2 to 8 strenuously submitted that evidence of complainant was recorded before the Court. She did not support the prosecution case. The offence punishable under Section 498-A of the Indian Penal Code was non-compoundable. Learned Counsel submits that there is no case on merits and strongly opposes leave to appeal.

7. This Court has gone through the evidence of complainant Sonali recorded before the Trial Court. She did not support prosecution case. She stated that she is not aware of contents of FIR (Exhibit 39). She did not state anything against accused in her evidence.

8. Considering the evidence of complainant, Trial Court came to the conclusion that it is a case of no evidence. It is pertinent to note that evidence of complainant was recorded on 10.02.2015. She did not make any grievance thereafter for a considerable time. Application is thus devoid of merits. Hence the following order:

ORDER

- I) Leave refused.
- II) Criminal Application No. 2013 of 2015 stands dismissed.

(INDIRA K. JAIN, J.)