

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3604 OF 2014

The State of Maharashtra
through P.I.,
Supa Police Station, Supa,
Tq. Parner, Dist. Ahmednagar

APPLICANT

VERSUS

1. Santosh Ramdas Wabale
2. Ramdas Baburao Wabale
3. Malan w/o Ramdas Wabale

All r/o Rui-Chhatrapati,
Tq. Parner, Dist. Ahmednagar

RESPONDENTS

Mr. N.T. Bhagat, Advocate for the applicant/State
Smt. M.D. Thube-Mhase, Advocate for the respondents

CORAM : M.T. JOSHI, J.

DATE : 06/01/2016

ORAL ORDER :

1. Heard both sides.
2. Aggrieved by the acquittal of the respondents from the offences punishable under section 306 and 498-A read with section 34 of the Indian Penal Code, by the learned Assistant Sessions Judge, Ahmednagar vide judgement and order dated 28th February, 2014 passed in Sessions Case No. 21/2013, the State wants to prefer an

appeal and therefore, the present application for leave to file appeal is filed.

3. The record would show that deceased Anita had married to the present respondent No. 1 – Santosh about twelve years preceding her death. The respondents No. 2 and 3 are his parents. The evidence would show that since the deceased and respondent No. 1 were having job at Pune, they used to reside with the mother of the deceased i.e. complainant PW1 Babai Diwate. She (the deceased) died due to burn injuries on 14th June, 2012.

. When the deceased was admitted to the hospital, her dying declaration was recorded at Exhibit-27. In the said dying declaration, she appears to have stated that her mother-in-law and father-in-law i.e. present respondents No. 2 and 3 used to quarrel with her on the ground that she should stay at their village Rui-Chhatrapati and not at Pune. She, therefore, felt bad and had set herself on fire. Upon her death, her mother has filed F.I.R., complaining that besides these instances, there was demand of money of Rs. 25,000/- for purchase of cows, digging of bore-well, etc. and therefore, on this count, there was illtreatment and

that was the reason for commission of suicide.

4. The learned trial court took into consideration the fact that the F.I.R. was filed by the mother of the deceased after two days of the incident and the prosecution case itself would reveal that the deceased and respondent No. 1 were residing away from the respondents No. 2 and 3 at Pune with the complainant herself. Further, the dying declaration of the deceased, as detailed supra, was taken into consideration and the respondents were acquitted.

5. Upon hearing both sides, in my view, the learned Sessions Judge has taken into consideration all the material on record and forwarded the view. The same cannot be called as unreasonable or improbable. The reasoning forwarded by the learned Sessions Judge is not perverse. In the circumstances, to grant leave to file an appeal would be an exercise in futility. Leave to file appeal is, therefore, refused. The present application stands dismissed.

[M.T. JOSHI]
JUDGE