

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPEAL NO.479 OF 2015

Shivkanta d/o Ananda Sonwale,
Age-28 years, Occu:Household,
R/o-Panbhoshi, Tq-Kandhar,
Dist-Nanded.

...APPELLANT

VERSUS

- 1) Sambhaji s/o Ramji Bhoshikar,
Age-44 years, Occu:Agri.,
 - 2) Venkati s/o Ramji Bhoshikar,
Age-35 years, Occu:Agri.,
 - 3) Pralhad s/o Shankar Bhoshikar,
Age-58 years, Occu:Agri.,
- All R/o- Panbhoshi, Tq-Kandhar,
Dist-Nanded.

...RESPONDENTS

...
None present for Appellant.
...

CORAM: A.I.S. CHEEMA, J.

DATE : 1ST APRIL, 2016

ORDER :

1. This is an Appeal against acquittal of Respondents, filed by the complainant. The Counsel for Appellant and the Appellant were not present earlier on 29th March 2016 and the matter was posted for today i.e. 1st April 2016. Today also the matter was called out in the First Session and none appeared. Even in Second Session when matter called out, none is present for the Appellant - original complainant.

2. I have gone through the matter. The Appellant claims that deceased Vishwanath was her brother. The accused were making attempt to grab the land of the victim Vishwanath and there were criminal cases pending. It is claimed that the accused filed several criminal cases against the deceased on 24th June 2011. Because of filing of criminal case, the victim and his father were arrested and were in jail for eight days. After

they were granted bail, the accused persons started threatening the victim, because of which the mental condition of the victim was disturbed. The case of mischief by fire and cases of assault were also registered against the deceased. Due to filing of criminal cases by accused, the victim was under tension and out of fear that accused will kill him, the victim committed suicide on 12th July 2011 by hanging himself.

3. The Appeal claims that the trial Court has not considered material which was brought on record by the prosecution in proper perspective. It was not considered that there was criminal conspiracy of causing mental and physical torture so that the victim commits suicide.

4. Going through the Appeal and impugned Judgment, in short the case of the Appellant is that because of filing of various criminal cases by the Respondents - accused, the victim was under

mental stress and because of that he committed suicide. This is tried to be shown as abetment to commit suicide. The Judgment shows that the trial Court considered the evidence which was brought on record and observed that it cannot be said that the accused were having intention that the deceased should commit suicide and with this intention they had quarrelled with the deceased and lodged criminal cases against him. This reasoning in the context of evidence, which is discussed by the trial Court, is a possible view of the matter. That being so, there is no reason to interfere in this Appeal against acquittal.

5. Admission of the Appeal is declined. Appeal is dismissed, accordingly.

[A. I. S. CHEEMA, J.]