

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

CRIMINAL REVISION APPLICATION NO. 127 OF 2004

Janabai w/o. Adhar Patil	..	Applicant
Versus		
Balasaheb s/o. Ashok Patil & Ors.	..	Respondents

Mr.C.V. Thombre, Advocate for the applicant.
Mr.K.N. Lokhande, A.P.P. for respondent No.4./State.

CORAM : Z.A. HAQ, J.
DATED : 17.11.2016

P.C. :-

1. Heard Mr.C.V.Thombre, learned Advocate for the applicant and Mr.K.N.Lokhande, learned A.P.P. for non-applicant No.4. None appears for non-applicant Nos.1to3.

2. The applicant-mother of deceased has filed this revision application challenging the judgment passed by the Sessions Court acquitting the accused/non-applicant Nos.1 to 3 of the offences punishable under sections 498A, 306 read with section 34 of the Indian Penal Code.

3. Learned Advocate for the applicant has submitted that the Sessions Court has committed an error, giving undue weightage to the fact that the complaint was lodged on the next day of the incident overlooking the evidence on record which shows that the complaint was lodged immediately after the applicant reached the village,

where the deceased was residing, after the applicant got knowledge about the incident. It is further submitted that the learned Sessions Judge has given benefit to the accused observing that the prosecution has not brought on record sufficient evidence to prove that the deceased was given cruel treatment at her matrimonial house.

4. With the assistance of learned Advocate for the applicant and learned A.P.P., I have examined the documents placed on record of the revision application. I find that the evidence on record is not sufficient to hold the accused guilty of the offence for which they were charged. Learned Advocate for the applicant has argued that the investigation agency has failed in its duty to bring on record the appropriate evidence. In this revision application, this Court has to examine the legality of the judgment passed by the Sessions Court and it cannot be said that the learned Sessions Judge has not considered any relevant and material evidence.

5. In view of the above, there is no reason to interfere in the matter. The revision application is dismissed. In the circumstances, parties to bear their own costs.

[Z.A. HAQ, J.]