

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPEAL NO.684 OF 2015

Smt. Hemlata Ramprasad Dabhade,
Age-44 years, Occu:Household,
R/o-Yusuf Colony, Wangi, Wangi Road,
Parbhani, Dist-Parbhani.

...APPELLANT

VERSUS

- 1) Ramprasad s/o Tukaram Dabhade,
Age-50 years, Occu:Service,
R/o-Mamta Colony, Parbhani,
- 2) Suman D/o Gangadhar Asolekar,
Age-47 years, Occu:Service,
R/o-As Above,
- 3) Tukaramji Shipadrao Dabhade,
Age-75 years, Occu:Nil,
R/o-Wangi Road, Parbhani,
- 4) Vachalabai w/o Tukaramji Dabhade,
Age-67 years, Occu:Nil,
R/o-As Above,
- 5) The State of Maharashtra,
Through Mondha Police Station,
Parbhani.

...RESPONDENTS

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Mr.S.B. Bhapkar Advocate for Appellant.
Mr.A.M. Phule, A.P.P. for Resp. No.5.

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

DATE : 26TH APRIL, 2016

ORDER :

1. Heard counsel for the Appellant- original complainant. This Appeal has been filed against acquittal. The learned counsel for the Appellant vehemently argued that the Sessions Court has wrongly acquitted the accused persons. According to him, the State has brought on record evidence to show that the cruel treatment was given to the Appellant by the Respondent Nos.1 to 4 - Accused Nos. 1 to 4. The Appellant claimed that she is wife of Accused No.1. There was evidence regarding the accused causing abortion of the Appellant as well as there was evidence regarding assault and forgery, but the trial Court did not appreciate the evidence properly and acquitted the accused persons.

2. I have gone through the original record

and the Judgment of the trial Court. I have considered the submissions made before me. Record shows that the trial Court found that there was no relationship of husband and wife between the complainant and Accused No.1. In fact the Accused No.1 has been living with Accused No.2 for long and has grown up children like one Pooja and another son. The learned counsel for the Appellant has not been able to point out from record any date of marriage or evidence regarding marriage although the complainant- Appellant claimed to be wife of Accused No.1. The trial Court has discussed the evidence to observe that there was no iota of evidence that the complainant was, at any time, pregnant so as to make the allegation of causing of abortion. The trial Court also discussed the evidence regarding causing of hurt to demonstrate from the record that although the evidence was given that incident of causing hurt had taken place at 6.00 p.m., complaint regarding incident had already been filed at 4.30 p.m. There

is further discussion regarding the alleged forgery. The trial Court discussed that prosecution failed to collect the documents and produce them before the Court and there was no proof regarding entrustment of property to the accused and forgery was not established.

3. Looking to the record before the trial Court and discussion of evidence brought before it, the view taken is a possible view and there is no reason to interfere in the acquittal. As such admission of the Appeal is declined. The Appeal is dismissed.

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