

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

CRIMINAL APPLICATION NO. 4794 OF 2015

The State of Maharashtra

...Applicant

VERSUS

Chandramuni s/o Sopan Wakle and ors.

...Respondents

.....
Shri K.S.Patil, APP for applicant/State
Shri S.S.Rathi, advocate for respondents

.....

CORAM : INDIRA K.JAIN, J.

DATED : 15th MARCH, 2016

ORDER :

This application is under Section 378(1)(3) of the Code of Criminal Procedure for grant of leave to appeal against the judgment and order, dated 4.6.2015, passed by the learned Assistant Sessions Judge, Parbhani in Sessions Case No. 175 of 2011 thereby acquitting the accused persons of the offences punishable under Sections 498-A, 306 r/w 34 of the Indian Penal Code.

2] Heard learned A.P.P. for the applicant and the learned counsel for the respondents. Perused record.

3] It is the case of prosecution that Ravina wife of accused no.1 Chandramuni committed suicide on 27.5.2011 due to illtreatment at the hands of accused for demand of Rs.30,000/- for a grocery shop. Ravina and accused no.1 were married in May 2010.

It is contended that initially for 3½ months Ravina was treated well in her matrimonial house and thereafter there was persistent demand for money, she was beaten and subjected to cruel treatment as the demand was not fulfilled. Being tired of illtreatment she had committed suicide.

4] According to prosecution on 24.5.2011 accused no.1 called complainant i.e. father of deceased and told him that there was marriage in the family and they are invited to attend marriage. Accordingly, informant with his family members came to village to attend marriage. They attended marriage. While leaving informant asked father-in-law (since deceased) of Ravina to send her with them. Altercation took place and she was not sent with her father. So informant and his family members returned to village. At about 4.00 to 4.30 p.m. informant received phone call from accused no.1 that Ravina committed suicide by hanging herself. Informant and other family members rushed to the place of accused. Then report was lodged. Crime was registered. Investigation commenced. On completion of investigation charge sheet was submitted before the learned Judicial Magistrate, First Class, Jintoor, who in turn committed the case for trial to the Court of Sessions.

5] Charge was framed against the accused for the offences punishable under Sections 498-A, 306 r/w 34 of the Indian Penal Code. Accused pleaded not guilty and claimed to be tried.

6] Prosecution examined in all six witnesses to substantiate the guilt of accused.

7] Considering the evidence on record, Trial Court found that prosecution has failed to prove the charge against the accused and in consequence thereof acquitted all the accused. Being aggrieved, present application for leave to appeal has been preferred by the State.

8] With the assistance of the learned counsel for the parties, this court has gone through the evidence of prosecution witnesses. It can be seen from the evidence of PW 3 Ramesh Wamanrao Bahirath and PW 4 Nirmala w/o Ramesh Bahirath father and mother of the deceased that there was persistent demand of Rs.30,000/- for grocery shop and Ravina disclosed to them about illtreatment on demand of money.

9] It is significant to note that marriage took place between accused no.1 and Ravina in May, 2010 and death occurred in May, 2011. PW 3 Ramesh and PW 4 Nirmala have given details of incidents which took place and which were disclosed by Ravina to them. Considering the evidence of PW 3 Ramesh and PW 4 Nirmala who are the material witnesses, this court finds that State has an arguable case against accused no.1 husband and accused no.3 mother-in-law.

10] So far as remaining accused are concerned, no specific role is attributed to them. For want of sufficient evidence against the other accused application for leave to appeal must fail. Accordingly the following order.

ORDER

- (i) Criminal Application No. 4794 of 2015 for leave to appeal is allowed to the extent of accused nos. 1 and 3.
- (ii) Application in respect of other respondents/accused stands rejected.
- (iii) Admit.
- (iv) Issue notice. Learned counsel Shri S.S.Rathi waives service of notice for respondent nos. 1 and 3.

[INDIRA K.JAIN, J.]

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