

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

**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.5474 OF 2015**

The State of Maharashtra,  
Through Police Inspector,  
Parner Police Station,  
Dist-Ahmednagar (C.R. No.I-44/2014)

**...APPLICANT**

**VERSUS**

- 1) Chandrashekhar Anna Jeurkar,  
Age-34 years, Occu:Labour/service,
  - 2) Smt. Parvati Anna Jeurkar,  
Age-54 years, Occu:Household,
  - 3) Smt. Jyoti Anna Jeurkar,  
Age-36 years, Occu:Pvt. Service,
- All R/o-Kumbhar Galli, Parner,  
Tq-Parner, Dist-Ahmednagar.

**...RESPONDENTS**

...  
Mr.P.G. Borade, A.P.P. for Applicant.  
Mr.N.B. Narwade Advocate for Respondent  
Nos. 1 to 3.

...

**CORAM: S.S. SHINDE AND  
K.K. SONAWANE, JJ.**

**DATE : 17TH NOVEMBER, 2016**

**ORDER :**

1. Heard learned counsel appearing for the Applicant and learned A.P.P. for Respondents. Perused the deposition of the witnesses and other evidence brought on record by the prosecution.

2. Learned A.P.P. appearing for the State invites our attention to the deposition of the witnesses, and also medical evidence and other evidence and submits that trial Court has not properly appreciated the evidence of the witnesses, and in particular medical evidence and the fact that death occurred within ten months from the date of marriage.

3. On the other hand, learned counsel appearing for the Respondents supported the findings recorded by the trial Court and submitted that there are inconsistencies in the evidence of the prosecution witnesses and also omissions in

the evidence of the medical officer and submits that prosecution has failed to prove the case beyond reasonable doubt and therefore the Respondents are rightly acquitted by the trial Court. He further submits that there is double presumption in favour of the Respondents that unless there is a conviction, they are innocent and after acquittal said innocence is re-affirmed and therefore even on the basis of evidence another view is possible, that cannot be ground to interfere the acquittal.

4. We have considered the entire evidence and in particular evidence of prosecution witnesses on ill-treatment coupled with the medical evidence and the admitted fact that death occurred within ten months from the date of marriage. Hence the case is established for admission of the Appeal, allowing this Application seeking leave to Appeal.

5. The Application is allowed in terms of prayer clause (A), (B), (C), (D) and (F). The Application stands disposed of, accordingly.

6. Appeal **Admit**. On admission of the Appeal, Mr. Narwade, the learned counsel waives service of notice for Respondent Nos.1 to 3.

7. Action under Section 390 of Cr.P.C. to follow, against the Respondents, before the Sessions Court, Ahmednagar.

**[K.K. SONAWANE, J.]**

asb/NOV16

**[S.S. SHINDE, J.]**