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

CRIMINAL REVISION APPLICATION NO.211 OF 2015

Aruna w/o Anil Kharat,
Age : 30 years, Occ. Household,
R/o Limbgaon, Tq. Vaijapur,
District Aurangabad

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Police Station,
Kopargaon, District Ahmednagar
2. Anil s/o Dashrath Kharat,
Age major,
3. Sitabai w/o Dashrath Kharat,
Age major, Nos.1 to 3 R/o Jawalke,
Tal. Kopargaon, Dist. Ahmednagar
4. Haranabai Kaviraj Sabale,
Age major,
R/o Pohegaon, Tal. Kopargaon,
Dist. Ahmednagar

..RESPONDENTS
(Orig. Accused)

Mr C.V. Thombre, Advocate for petitioner;
Ms R.P. Gaur , Addl. Public Prosecutor for respondent no.1

CORAM : N.W. SAMBRE, J.

DATE : 5th April, 2016

ORAL ORDER :

By the present revision, the petitioner-complainant seeks to challenge legality and validity of the judgment and order dated 4th September, 2015, passed in R.T.C. No.16 of 2011 by Judicial Magistrate First Class, Kopargaon, thereby acquitting respondents no.2 to 4 – accused of the offences punishable under sections 498-A, 323, 504, 506

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read with section 34 of the Indian Penal Code.

2. On the basis of the complaint lodged by the petitioner, C.R. No.402 of 2010 was registered against respondents no.2 to 4 with Kopargaon police station for offences punishable under sections 498-A, 323, 504 read with section 34 of the Indian Penal Code. On completion of investigation, charge-sheet was filed against respondents no.2 to 4.

3. The charge against the accused came to be framed vide Exh.17. The accused pleaded not guilty and claimed to be tried.

4. In support of its case, prosecution has examined following witnesses, namely,

P.W.1 Aruna Anil Kharat at Exh.35;

P.W.2 Tanaji Devaka Patait at Exh.51;

P.W.3 Yuvraj Tanhaji Patait at Exh.53;

P.W.4 Ravikiran Vilasrav Chandge at Exh.58 and

P.W.5 Devidas Gulab Waghmare at Exh.68

5. The prosecution case against the accused is that, after the marriage of the complainant was solemnized with accused no.1, she was subjected to cruelty and torture and there was demand of dowry of Rs.50,000/- for purchase of motorcycle.

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6. In the above background, it is required to be noted that the complainant Aruna claimed that on 28th October, 2010, her mother-in-law assaulted her by fist blows and kicks, resulting into she sustaining injuries. She was unable to tell as to the date on which there was demand of dowry. It is thus noted by the learned Court below that Aruna was unable to tell as to whether accused no.4 had assaulted her.

7. The evidence of P.W. 2 Tanaji and P.W.3 Yuvraj is hearsay evidence. As such the evidence of the said witnesses is required to be discarded as there is no corroboration to the same. If the testimony of P.W.4 Ravikiran about simple injuries suffered by the complainant is analyzed in the background of evidence of P.W.1 Aruna, it appears that she had claimed to have been hospitalized for 19 days, which has resulted in delay in lodging the first information report. So far as the fact as regards injuries sustained by P.W.1 Aruna is concerned, the exaggeration in the narrations was not found place in the evidence of other witnesses. It is then noted that the complainant had filed the case for maintenance.

8. Having regard to the overall view of the evidence, the learned Magistrate has acquitted the accused.

9. In the above background and having regard to the scope of interference in revisional jurisdiction, in the matter of acquittal, in my opinion, no case for interference is made out. The view taken by the learned Magistrate is a possible view.

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10. In view thereof, Criminal Revision Application fails and stands dismissed.

(N.W. SAMBRE, J.)

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