

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

CRIMINAL APPEAL NO.912 OF 2015

Reshma w/o Baba Shinde
Age 30 years, Occ. Household,
R/o Narsoba Nagar, Dhanora Road,
Beed.

... APPELLANT
(Original Complainant)

VERSUS

1. The State of Maharashtra
through the City Police Station,
Taluka and District Beed
(Copy to be served on the
Public Prosecutor, High Court,
Bench at Aurangabad)
2. Baba s/o Bappa Shinde,
Age 37 years, Occ. Nil,
R/o Ambika Nagar, Beed.
3. Bappa s/o Bhaguji Shinde,
Age 72 years, Occ. Pensioner,
R/o as above.
4. Vatsala w/o Bappa Shinde,
Age 67 years, Occ. Household,
R/o as above.
5. Rekha w/o Vikas Bansode,
Age 37 years, Occ. Service,
R/o Mitra Nagar, Beed
6. Asha w/o Harish Ghodke,
Age 33 years, Occ. Household,
R/o Samarth Colony, Beed,
Taluka and District Beed.

... RESPONDENTS

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Shri R.G. Hange, Advocate for appellant
Shri R.V. Dasalkar, A.P.P. for respondent No.1/ State

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

DATED: 2nd August, 2016.

ORAL ORDER :

1. Heard learned counsel for the appellant - original complainant and learned A.P.P. for respondent No.1/ State. It is stated that, the appellant was married to respondent No.2 on 19.5.2005. She was treated well for two months. The husband was working in Military and was posted at Jammu. It is claimed that, after two months of the marriage, for about two months the appellant was illtreated at the place of her husband. According to the counsel, thereafter the appellant was made to leave the place of her husband and since then she was residing with her father. On 28.5.2007, her father had taken her to the place of her husband, but she was not accepted. It is stated that, the appellant was corroborated by the evidence of her father and paternal aunt. According to the counsel, looking to the judgment of the Judicial Magistrate, First Class, who convicted the respondents - accused, the Sessions Court wrongly intervened to acquit the accused persons.

2. With the assistance of learned counsel, I have perused the evidence which has been brought on record as well as the F.I.R. which was filed. The Sessions Court considered the evidence claiming that there was alleged demand of Rs.1 Lakh for construction of house and that there were allegations that the appellant was illtreated by the accused persons. The Sessions Court put portion of evidence in inverted commas, which showed collective statements of the accused persons like "We do not like you, you cannot cook food well." The Sessions Court took note of the fact that P.Ws.2 to 4 are relatives of the informant. The Sessions Court observed that the allegations were vague in nature and there were no particulars as to the day and date of the demands made by the accused persons. It is also not mentioned as to how much period till filing of F.I.R. the appellant resided with the accused. The Sessions Court observed that, there are no details as to when the husband went to Jammu and when he came on leave from Jammu. The Sessions Court found that, it was admitted position that accused Nos.4 and 5 were married sisters-in-law of the informant and their marriage had taken place prior to the marriage of the informant and appellant. The Sessions Court further recorded reasons that there was no evidence as to when the said accused Nos.4 and 5 visited the house of accused Nos.1 to 3 and when alleged harassment took

place. The Sessions Court also noticed that, the present appellant was working as Conductor in S.T. Corporation at Solapur. The Sessions Court, for such reasons allowed the appeal and acquitted the accused persons.

3. Going through the record, I also find that, the evidence is vague, regarding which the Sessions Court has already recorded particulars. Going through the material and the fact that there is vague evidence, I do not find that this is a fit case to admit the appeal against acquittal. Learned counsel has submitted that, the period of stay of the appellant at the place of her husband was short and as such, no specific incident could be pointed out. Rather, when the period was short, it should have been possible to specify when, what exactly happened at the instance of whom. The reasons recorded by the Sessions Court for acquittal is a possible view of the evidence. As such, there is no reason to interfere in the acquittal.

4. Admission of the appeal is declined. The appeal is dismissed.

(A.I.S. CHEEMA, J.)