

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO.175 OF 2016

Asha w/o Gajanan Dhande

-vs-

The State of Maharashtra, Thr. PSO Risod, Washim and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. V. Sirpurkar, Advocate for applicant.
Ms M. H. Deshmukh, APP for respondent
No.1/State.

**CORAM : B.P.DHARMADHIKARI &
A.S.CHANDURKAR, JJ.**

DATE : AUGUST 18, 2016

Heard Shri S. V. Sirpurkar, the learned counsel for the applicant and learned APP for respondent No.1.

Mother of victim has moved this application under Section 372 of the Criminal Procedure Code seeking leave to appeal. Grievance is trial Court has exonerated accused persons only because of delay in lodging the First Information Report. Learned APP has submitted that the applicant mother and sister of deceased had opportunity to lodge report on 09/02/2012 but the alleged declaration made to them orally by deceased was never made known by them on that day.

The story of applicant is accused persons went to the residence when deceased Ashwini was alone at home and they threatened her and demanded physical relationship. Because of this demand under mental tension, she poured kerosene and burnt herself. Charge was under Section 305 of the Indian Penal Code and trial Court found that applicant

mother in a cross-examination accepted that there was love affair of deceased and accused No.1 Prakash. The trial Court therefore accepted the dying declaration of deceased and held that it was a suicide.

In this situation, no case is made out warranting grant of leave to file appeal. The proceedings are therefore rejected.

JUDGE

JUDGE

-: C E R T I F I C A T E :-

“ I certify that this Judgment/order uploaded is a true and correct copy of the original signed Judgment/order.”

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