

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

CRIMINAL APPEAL NO.415 OF 2002

The State of Maharashtra
through
S.H.O. Police Station,
Kashar-Shirshi, Tq. Nilanga

.. Appellant
(Ori. complainant)

Versus

Babu Shivaji Ghodke
Age-30 years, Occu-Labour,
R/o. Nadi-Hattargaga, Tq. Nilanga,
Dist. Latur

.. Respondent
(Ori. Accused No.1)

Mr.P.G.Borade, APP for the appellant/State
Mr.B.L.Sagar Killarikar, Advocate for the respondent

**CORAM : T.V.NALAWADE &
S.M. GAVHANE, JJ.**

DATED : 19.09.2017

J U D G M E N T [PER:S.M. GAVHANE, J.]

. This appeal is directed against the judgment and order dated 06.04.2002 passed by the Additional Sessions Judge, Nilanga, Dist. Latur in Sessions Case No.17/2000 thereby acquitting the respondent/accused No.1 of the offences punishable under Sections 498-A, 304-B and 306 read with Section 34 of the Indian Penal Code (For short the IPC) who was tried with accused Nos. 2 to 4 respectively his father, mother and brother.

2. The facts of the prosecution case, in short, are as under:-

A. The complainant/informant Mahadeo Surwase (PW-1) who is residing at Matola, Tq. Ausa, Dist. Latur is brother of the deceased Shobha. She was married to the respondent/accused No.1 in the year 1993 in the month of May at Nadi-Hattarga, Tq. Nilanga, Dist. Latur, the village of the accused. After marriage she was cohabiting with her husband at Nadi-Hattarga and all the accused were residing together.

B. It is alleged that all the accused started beating and causing mental torture to the deceased asking her to bring gold ring, TV, cycle and Rs.10,000/-. She had disclosed about the said demand of the accused to her relatives when she had been to her parental house. Her maternal uncles attempted to convince the accused persons, but in vain. Meanwhile, the deceased Shobha had come to her parental house for delivery. She delivered a male child. Thereafter, accused her husband took her to Pune. Further, it is alleged that at Pune also her husband used to ill-treat her. Thereafter, her husband and father-in-law had brought her to her parental house. At that time she resided at her parental house for about

one year.

C. It is alleged that in the year 1997 accused husband of the deceased and relative Sheshrao had come to the parental house of the deceased at Matola. They assured to treat the deceased properly. Thereafter they executed security bond on stamp paper of Rs.20/- and took the deceased to Nadi-Hattarga at the house of the accused. But thereafter, also there was ill-treatment to the deceased by the accused.

D. On 12.06.1999 the deceased set herself on fire due to ill-treatment at the hands of the accused. She was admitted in Civil Hospital at Latur, where she succumbed to burns on 13.06.1999. Her brother PW-1 lodged written complaint in Kasar-Shirshi Police Station on 14.06.1999. Treating the said complaint as FIR Crime No.67/1999 came to be registered for the offences punishable under Sections 498-A, 306 r/w Section 34 of the IPC against the accused and the investigation was commenced.

E. It appears that in the meantime AD case No.18/1999 was registered in the Police station and during investigation of the said AD case panchanama of spot of incident was prepared and articles i.e. Plastic can smelling of kerosene oil, match box containing two

match sticks, one burnt match stick, one green cotton banyan smelling of kerosene oil, one burnt antenna wire and string were seized from the spot of incident by PSI Salunke (PW-12). So also, security bond on production of the same by the brother of the deceased was also seized.

F. After the deceased scummed to burns inquest panchanama was prepared. Medical Officer conducted postmortem examination and issued provisional certificate (Exh.14) as well as postmortem report (Exh.15) stating that probable cause of death was due to shock due to 95% burns.

G. The Investigating Officer PSI Salunke (PW-12) in the course of investigation recorded the statements of witnesses including relatives of the deceased, arrested the accused and subsequently accused were released on bail. During the investigation it was transpired that the accused ill-treated the deceased for fulfillment of their unlawful demand of gold ring and Rs.10,000/- which resulted into suicidal death of the deceased.

H. After completion of the investigation charge-sheet was submitted in the Court of JMFC, Nilanga against the accused for the offences punishable under Sections 498-A, 306, 304-B r/w Section 34 of the IPC, who then

committed the case to the Court of Additional Sessions Judge, Nilanga as the offences under Sections 306 and 304-B of the IPC were exclusively triable by the Sessions Court.

3. The charge was framed against all the four accused for the offences punishable under Sections 498-A, 304-B and 306 r/w Section 34 of the IPC, to which they pleaded not guilty and claimed to be tried. Their defence is denial. They have examined one witness Bapurao Nagorao Kunale (DW-1) in defence.

4. The prosecution has examined in all twelve witnesses and relied on the panchanamas referred to above. Considering the evidence adduced by the prosecution the trial Court held that the prosecution has failed to prove the offences against the accused with which they were charged and acquitted them of all the said offences by the impugned judgment and order dated 06.04.2002. Therefore, this appeal by the appellant/State only against the acquittal of the respondent/accused No.1 on several grounds mentioned in the memorandum of appeal.

5. We have heard learned APP appearing for the appellant/State and learned counsel appearing for the respondent/accused No.1 and with their able assistance we

have perused the evidence adduced by the prosecution. So also, we have perused the impugned judgment and order.

6. There is no dispute that in the month of May-1993 the deceased was married to accused No.1 at village Nadi-Hattarga, the village of accused and then she started cohabiting with the accused No.1 in the joint family. The deceased delivered a male child from the wedlock with accused No.1. She resided for a period of one month at Pune with accused No.1 prior to 1997. While the deceased was residing at the house of accused at Nadi-Hattarga she sustained 95% burns on 12.06.1999 at about 10.00 pm in the house of the accused. Thereafter, she was immediately admitted in the Civil Hospital, Latur and she succumbed to burns on 13.06.1999 in the morning. She had left five years son behind her. The case of the prosecution is that death of the deceased is suicidal, the accused in furtherance of their common intention caused cruelty to the deceased and abetted the deceased to commit suicide and so also, it is the case of the prosecution that deceased died within seven years of her marriage due to burns and as accused caused cruelty to her, the death of the deceased is a dowry death.

7. As regards suicidal death of the deceased, the prosecution has relied upon the evidence of PWs.1,6 and

panchanama of spot of incident (Exh.22). PW-1 Mahadeo brother of the deceased who lodged the FIR (Exh.20) has deposed that on Sunday they came to know that the deceased had burnt and she had been admitted in the Civil Hospital, Latur. They went to Latur, but by that time deceased was not alive. He deposed that he and his maternal uncle went to Kasar-Shirshi Police Station and lodged the report (Exh.20). The said report /FIR (Exh.20) shows that PW-1 had alleged in the said report that on getting boared to the harassment caused to her by the accused, the deceased got herself burnt and she died due to burns and the people from the in-laws house are responsible for her death. PW-6 Vitthal Surwase another brother of the deceased has not specifically deposed that death of the deceased is suicidal. The spot panchanama (Exh.22) which is proved by PW-12-Investigating Officer shows that from the spot of incident i.e. the house of the accused he had seized plastic can containing some kerosene, two match sticks, one burnt match stick, green colour Banyan having smell of kerosene and other articles, in presence of Panch-PW-2 who has of course not supported the prosecution, but admitted his signature on Panchnama (Exh.22). On the basis of seizure of above said articles and particularly plastic can containing kerosene, two match sticks and one burnt match stick, it can be said that the deceased poured kerosene on her

person and set herself on fire. There is no suggestion to any of the prosecution witness on behalf of the accused that the deceased sustained burns accidentally. Therefore, the evidence of defence witness Bapurao Kunale (DW-1) that when he went to the Civil Hospital, Latur on knowing that deceased sustained burns, Doctor had recorded statement of the deceased in his presence that the wood was wet and therefore, the deceased poured kerosene on it and she had let oven and when she was blowing with mouth all of a sudden she was caught by fire is not believable to state that really the deceased sustained injuries accidentally as above while she was working near the oven/fire place. Another reason to hold this, is that no such statement of the deceased recorded by the doctor as deposed by DW-1 is on record. Therefore, on the basis of above evidence, we hold that the prosecution has proved that death of the deceased is suicidal. The trial Court has rightly held so and we find no fault with the said findings.

8. Now, it is to be seen whether the accused caused cruelty to the deceased for fulfillment of their demand of gold ring, TV set, cycle and Rs.10,000/- for bringing the same from parental house of the deceased as alleged. To prove the said cruelty, the prosecution has mainly relied upon the evidence of PWs.1,4,5 to 10 and Exh.19

Security bond allegedly executed by accused No.1 in favour of Manik Survase father of the deceased in presence of Pws.5,8 and 11 and scribed by PW-4. Now coming to the evidence of Mahadeo Murwase (PW-1) brother of the deceased he has deposed that all accused were residing jointly during the period of marriage of the deceased. The deceased pulled on in good manner in her matrimonial house for one year. Thereafter, some harassment was started to her. The accused demanded gold ring and Rs.10,000/- to deceased Shobha. The cause behind the said demand was that, no dowry was paid in the marriage. Accused used to beat and starve the deceased. The deceased used to disclose the same to them (witness and others) during their visit to her matrimonial house as well as her visit to their house. He stated that deceased used to disclose to him, her parents and matrimonial uncles namely; Tukaram Bansode (PW-5) and Pandurang. PW-1 further deposed that there was function of 'Dohal Jewan' (function being arranged in 7th month of pregnancy) at the matrimonial house of the deceased. He stated that he, his mother and matrimonial uncle had been to that program alongwith present articles i.e. gift articles. At that time accused raised dispute on the ground as to why they had not brought gold and money. He deposed that then they had brought deceased to their house for delivery. She stayed with them for six months.

Thereafter, accused No.2 father-in-law of the deceased took the deceased and her son to Nadi-Hattarga. There she resided for six months facing harassment. The deceased disclosed them when they went to Nadi-Hattarga, again the deceased had disclosed them when she had been to Matola village of witness after six months. At that time she resided with them for one year.

9. PW-1 has further deposed that accused No.1 had taken the deceased to Pune with him in absence of male members. Maternal uncle of accused No.1 resides at Pune. The deceased stayed there for one month. During that period matrimonial uncle of accused No.1 had called Indubai-accused No.3 to Pune and sent the deceased to Nadi-Hattarga with accused No.3. Accused No.3 mother-in-law of the deceased reached the deceased to their house. At that time the deceased told him (PW-1) that she was ill-treated at Pune by accused No.1. Thereafter, deceased had stayed at Matola at parental house for one year. During that period accused No.1 and his friend had been to Matola. Because of ill-treatment and unwillingness of the deceased, she was not sent.

10. In the cross-examination PW-1 has stated that, he had stated to one Balkrushna to scribe the complaint/FIR. He stated that he had not stated to

Balkrushna that his sister the deceased caught herself burnt. He stated that he has no inimical terms with Balkrushna. As mentioned in the FIR (Exh.20) PW-1 stated that his sister the deceased burnt herself due to harassment of the accused. PW-1 has stated that he had told Balkrushna that the deceased used to tell him about harassment when he used to go to Nadi-Hattarga. Balkrushna might have forgotten while writing the FIR. He stated that he told Balkrushna that the deceased had told that she was starved in her matrimonial house. He could not assign reason of absence of above facts in the FIR. So also, he stated that he had told Balkrushna that quarrel had been taken place at the time of 'Dohal Jewan' on the ground of giving present and Balkrushna might have forgotten to mention the same in the FIR. Thus, there are material omissions in respect of above facts regarding cruelty to the deceased in the FIR (Exh.20) lodged by PW-1. It is pertinent to note that PW-1 has stated in the cross-examination that he had not moved application to the police about ill-treatment to Shobha after she returned from Pune. In fact, when PW-1 claims that there was harassment to the deceased by accused at Nadi-Hattarga at their house and that the accused No.1 caused cruelty to the deceased at Pune. PW-1 would have definitely lodged complaint/application in that respect to the police but no such application was filed by him.

Moreover, it has come in his evidence that he does not know as to for what reason she (deceased) had caught herself burnt. If at all the deceased would have committed the suicide on boaring to the harassment caused to her by the accused this witness would have definitely stated that due to cruelty to her by the accused the deceased caught herself burnt. Therefore, before accepting or rejecting the evidence of PW-1 on cruelty to the deceased the evidence of other relatives of the deceased and her neighbors is to be considered.

11. The evidence of PW-6 Vitthal Survase another brother of the deceased (Exh.31) is that all the accused were residing jointly. The deceased Shobha led good marital life for two years. Thereafter on the occasion of ceremony during the pregnancy (Dohal Jewan) all the inmate of matrimonial house were asking to present gold ring and TV to accused No.1 as no dowry was given in the marriage. Accused were causing mental torture to Shobha and mental torture means beating and starvation saying that her parents had not presented anything in the marriage. He stated that deceased Shobha used to tell them (witness and others) during her visit to paternal house at Matola and on the occasion of his visit to her from Pune. This witness has further stated that the deceased had come to Matola for delivery and she stayed

there for six months. Then she went to her matrimonial house at Nadi-hattarga.

12. PW-6 has further deposed that he is serving in a company at Pune. Mahadeo Gade maternal uncle of accused No.1 resides at Pune. Accused No.1 and deceased Shobha had been to him (house of maternal uncle of accused No.1) and thereafter, they had come to him. At that time accused No.1 had demanded Rs.10,000/- from him for business purpose. He stated that he had asked him first of all he should raise some amount at his accord and then he would assist to the best of his ability. The deceased and maternal uncle of accused No.1 had told him that again he had started to beat the deceased. At that time the deceased and accused No.1 stayed with Mahadeo Gadekar for one month. Thereafter, Mahadeo had called mother-in-law of the deceased as there were frequent quarrels and mother-in-law had taken to deceased to Matola at the parental house of the deceased and deceased resided there for one to one and half years.

13. In the cross-examination PW-6 in paragraph No.7 stated that the accused No.1 had not demanded Rs.10,000/- at the house of Mahadeo Gadekar, but he had demanded that amount at his residence. He stated that, he had stated before police that in the year 1996 his sister the

deceased Shobha and her husband Babu had been to Pune and resided with Mahadeo Gadekar, the maternal uncle of accused No.1 Babu for one month, that time he used to go to meet his sister and his sister had told him that even at Pune also her husband used to frequently beat her and Babu her husband had demanded him Rs.10,000/- for the purpose of business. So also, he stated that he had told before police that accused No.1 demanded money to him at his residence at Pune and he could not explain why police failed to record the same. He denied that accused No.1 had not come and demanded money to him at Pune. Thus, the evidence of PW-6 regarding demand of Rs.10,000/- of accused No.1 from him and regarding beating to his sister is improvement while deposing before the Court and material omission in his statement before police. So also, there is no consistency in the evidence of PW-6 and his brother PW-1 regarding demand of different articles from the deceased by the accused as alleged by the prosecution as referred earlier and as mentioned in the FIR. Moreover, PW-1 has not stated that accused No.1 demanded Rs.10,000/- from PW-6 at Pune for starting any business. Therefore, evidence of PW-6 on cruelty to the deceased on account of demand of Rs.10,000/- by accused No.1 is not believable.

14. The evidence of PW-5 Tukaram Bansode who is

maternal uncle of the deceased is that after marriage of the deceased in initial period of two years the deceased was leading good marital life. When deceased was pregnant of six months she had been to Matola on the occasion of festival and at that time she had told him that her husband and father-in-law had demanded cycle, TV, watch and Rs.10,000/- for business and asked her to bring all these articles on the occasion of function of 'Dohal Jewan'. He further deposed that the function of 'Dohal Jewan' was held at Nadi-Hattarga and he, his brother and parents of the deceased as well as his brother Pandurang had been to attend the said function. At that time accused No.1 asked that he would accept present only if the TV, and Rs.10,000/- are brought. He stated that they called some persons of village Nadi-Hattarga and convinced him, thereafter he accepted the present. At that time deceased was brought to Matola for delivery and she stayed there for six months after delivery. Later on father-in-law of the deceased came and took her to Nadi-Hattarga. He stated that again they started to cause harassment. She had come back and told him that the harassment is continued. He stated that he went to Nadi-Hattarga and stayed there for night. He asked them that financial condition of Manikrao did not permit to fulfill demand and why they were behaving so and then he came back.

15. In the cross-examination PW-5 has stated that he had not stated before police that accused No.1 had asked the deceased to bring gold ring, TV, cycle and Rs.10,000/- on the occasion of 'Dohal Jewan'. So also, he stated that he had stated before police that the deceased had told them (witness and others) that she was asked to bring gold, TV, cycle and Rs.10,000/- at the time of 'Dohal Jewan' as a present. He stated that he could not explain as to why police omitted as above in his statement. So also, he stated that he had not stated before police that his sister had told him after returning from Nadi-Hattarga that ill-treatment to the deceased Shobha was continued and therefore, he went to Nadi-Hattarga on the next day morning. So also, he stated that he had not stated before police that he had stayed at Nadi-Hattarga for a night and convinced accused No.1 and his father. Moreover, he stated that he had not stated before police that deceased had told them that it was not possible for her to cohabit as they would kill her on one or other day. Thus, it is clear that the evidence of PW-5 regarding above referred demands of the accused No.1 or all the accused amounts to improvement while deposing before the Court and material omission in his statement before the police. So also, there is no consistency in his evidence and in the evidence of Pws-1

and 6 regarding articles demanded by the accused because he has stated about demand of cycle and watch by the accused from the deceased. But, PWs-1 and 6 have not stated in respect of demand of said two articles. Moreover, his evidence that the accused No.1 refused to accept the present unless TV and Rs.10,000/- are given to him at the time of 'Dohal Jewan' is not consistent with the evidence of PWs-1 and 6. Therefore his evidence is not believable.

16. The evidence of PW-4 Vyankat Bhosale who is from the village of paternal house of the deceased is that the deceased used to tell during her visit to her parental house that her husband and mother-in-law used to cause harassment to her. In the cross-examination he has stated that father and brother of the deceased had told him in the meeting that there was harassment to the deceased in connection with demand of TV, cycle and Rs.10,000/-. He has denied that deceased Shobha did not tell anything about harassment. He has not stated about day and date when the deceased told him about harassment to her by her husband and mother-in-law. So also, he has not stated as to for what the deceased was harassed by her husband and mother-in-law. It appears that this witness has no direct knowledge about the harassment to the deceased allegedly caused by her husband and mother-in-law and father and

brother of the deceased had told this witness about harassment. Therefore, his evidence being hearsay in nature is not believable and sufficient to infer that really the husband and mother-in-law or all the four accused harassed the deceased for fulfillment of their unlawful demand as alleged by the prosecution.

17. PW-8-Haridas Bhosale neighbor of the parents of the deceased has deposed that they used to go to the house of Manik father of the deceased. He claims that Shobha the deceased told that there were dispute between her and her husband. According to him Manik had not given demanded gold and money in the marriage because of poverty. This was not given in the marriage of Shobha and they came to know that accused No.1 used to quarrel with the deceased on this ground. In the cross-examination he has denied that he deposed false on the say of Manik because he is on visiting terms to him. The evidence of this witness is not sufficient to infer that the accused caused cruelty to the deceased for fulfillment of their unlawful demand of TV, cycle, gold and Rs.10,000/- from the deceased. Even his evidence is not sufficient to state that any dowry was agreed to be given by Manik father of the deceased to the accused at the time of marriage of the deceased with accused No.1. Therefore, his evidence is of no help to prove alleged cruelty to

the deceased by the accused.

18. PW-7 Bakula Suresh Ghodke wife of cousin of accused No.1, PW-9 Sheshrao Ghodke and PW-10 Mathurabai Ghodke who are neighbors of the accused and from the village of accused and who had occasion to see the deceased while cohabiting at the house of the accused have not supported the prosecution case as all of them have denied that there was ill-treatment to the deceased at the hands of the accused on account of non fulfillment of their demand of gold ring, cycle, TV and Rs.10,000/- from the deceased. Though they have been cross-examined by the learned APP nothing is found in favour of the prosecution. Thus, their evidence is of no help to the prosecution to prove alleged cruelty to the deceased at the hands of the accused.

19. The next evidence relied upon by the prosecution to prove cruelty to the deceased at the hands of accused is Exh.19 security bond which was allegedly executed by accused No.1 in faovur of father of the deceased in presence of Pws. 1,5,6,8,9 and 10 and scribed by Vyankat Bhosale (PW-4). PW-4 has stated that he scribed Exh.19 security deed in presence of above said witnesses as per say of accused No.1. At that time the deceased was not ready to go to the house of accused for cohabitation.

Therefore, the security deed Exh.19 was executed. He then handed over the said document to Manik father of the deceased. Thereafter, deceased went for cohabitation. He claims that thereafter, once he met deceased when she had been to her parents house and at that time she had told him that still there was harassment to her in connection with demand of dowry. As referred earlier PW-4 had told that father and brother of the deceased had told him about demand of accused and as such his evidence is hearsay in nature about alleged demand of accused. Pws. 1,5,6,7,8 and 11 have also more or less stated about the execution of the security deed by accused No.1 in favour of the father of the deceased on 23.08.1997 whereby accused No.1 had agreed that he would not harass the deceased in future. Exh.19 also shows that the accused No.1 had agreed as above. This document is dated 23.08.1997. Nothing is mentioned in this document regarding alleged demand of gold ring, cycle, TV and Rs.10,000/- by the accused from the deceased. In fact, when this document was executed on 23.08.1997 after four years of marriage of the deceased with accused No.1, in May 1993, the demand of above said articles by the accused should have been mentioned in this document if at all the accused would have started harassing the deceased after two years of her marriage for fulfillment of their demands of above said articles. Therefore, non mentioning

of the said fact of demand of the accused in this document creates doubt that really accused started demanding articles from the deceased after two years of the marriage. The incident in question of sustaining burns to the deceased took place on 12.06.1999 nearly after two years of Exh.19 security bond dated 23.08.1997. Therefore, this security deed is of no help to the prosecution either to state that accused caused cruelty to the deceased as alleged or that due to said cruelty the deceased committed suicide.

20. For all the reasons discussed above, we hold that the evidence of PWs-1,4 to 10 and security deed Exh.19 is not sufficient to infer that the accused have caused cruelty to the deceased for fulfillment of unlawful demand of gold ring, TV, cycle and Rs.10,000/- within the meaning of cruelty defined under Section 498-A of the IPC. The trial Court has rightly held so.

21. Once it is held that the prosecution has failed to prove that the accused in furtherance of their common intention caused cruelty to the deceased, it cannot be said that accused abetted the deceased to commit suicide simply because death of the deceased is suicidal as observed earlier. It is pertinent to note that Pws. 1 and 5 have denied suggestions on behalf of accused that the

accused No.1 is agriculture servant and hence deceased was not liking him and so also PW-6 has denied that his sister the deceased was short tampered. Therefore, from these suggestions on behalf of accused and when the prosecution has failed to prove alleged cruelty to the deceased, the possibility of the deceased of committing suicide for any other reason than due to cruelty to her by the accused cannot be ruled out. As such, we hold that the prosecution has failed to prove that the accused abetted the deceased to commit suicide i.e. offence under Section 306 of the IPC.

22. As regards offence of dowry death punishable under Section 304-B of the IPC is concerned the prosecution has to establish that the death of deceased/woman was caused by burns within seven years of her marriage, that the deceased was subjected to cruelty by the accused, such cruelty was in connection with demand of dowry and to such cruelty the deceased should have been subjected to soon before her death. It is held that the deceased died due to 95% burns. The deceased was married to accused No.1 in May, 1993. Her death occurred on 13.06.1999 i.e. within seven years of her marriage. It is held that the prosecution has failed to prove that the accused caused cruelty to deceased within the meaning of cruelty defined under Section 498-A of the IPC. Moreover,

it has come in the evidence of PW-5- Tukaram Bansode (Exh.27) maternal uncle of deceased in paragraph No.10 of his cross-examination that he was present in the marriage of deceased. He stated that neither dowry was settled nor it was paid in the marriage of Shobha. Moreover, as observed above the evidence of PW-8 is not sufficient to infer that any gold or money were agreed to be given to the accused as dowry and as it was not given in the marriage of the deceased with the accused No.1, accused caused cruelty to the deceased. Therefore, here it is not the case that any dowry was agreed to be given to the accused in connection with marriage of the deceased with accused No.1 and due to non fulfillment of said dowry the accused caused cruelty to the deceased. We, therefore, hold that the prosecution has failed to prove the material ingredients of cruelty to the deceased in connection with demand of dowry and that the deceased was subjected to such cruelty soon before her death so as to attract offence under Section 304-B of the IPC. Thus, we hold that the prosecution has failed to prove the offence under Section 304-B r/w Section 34 of the IPC against the accused.

23. For the reasons discussed above, we hold that the prosecution has failed to prove the offences under Sections 498-A, 306 and 304-B individually or r/w Section

34 of the IPC against accused No.1 present respondent. The trial Court has rightly held so and rightly acquitted the accused No.1 of the said offences by the impugned judgment and order. The said view taken by the trial Court is reasonably possible view. There is no error in appreciating the evidence by the trial Court. Naturally therefore, there is no ground to interfere with the impugned judgment and order of acquitting the respondent/accused No.1 of the aforesaid offences. Thus, appeal being devoid of merits the same is liable to be dismissed. Accordingly, we dismiss the same. The bail bond, if any, furnished by the respondent/accused No.1 stands cancelled.

[S.M. GAVHANE, J.]

[T.V. NALAWADE, J.]