

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

937 CRIMINAL APPLICATION NO. 3351 OF 2017

MANGAL W/O. SAINATH SALWE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Tambe Rahul A.
APP for Respondent State: Mr. K. N. Lokhande

CORAM : K. L. WADANE, J.

DATE : 26th July, 2017

ORDER:

1. Heard learned counsel for the applicant and learned APP for the State.

2. The present application is filed by the applicants i.e. mother-in-law and sister-in-law of deceased Bharti Salwe under section 439 of the Cr. P.C. in connection with Crime No.I-82/2017 registered Shrirampur City Police Station, Dist. Ahmednagar for the offences punishable under section 302, 307, 504, 506 read with section 34 of the Indian Penal Code.

3. From the two dying declarations of deceased Bharti, dated 02.04.2017 and 03.04.2017, it reveals that applicant No.1 mother-in-law of deceased brought kerosene drum and poured kerosene on the person of Bharti. Applicant No.2 sister-in-law of deceased, namely Shital, by lighting a matchstick, set deceased

Bharti on fire. In both the dying declarations, statements of deceased Bharti are very much consistent about the act of applicant No.1 Mangal as well as Applicant No.2 Shital.

4. In view of the above, there is ample evidence to constitute the offence punishable under section 302 read with section 34 of the Indian Penal Code. Hence the criminal application is rejected.

5. At this state, the learned counsel appearing for the applicant, submits that there are five children in the family and therefore directions may be given to the Trial Court to expedite the hearing of the case. The learned Additional Sessions Judge before whom the case is pending is directed to dispose of the trial as early as possible. If the trial is not concluded within a period of one year, then the applicants are at liberty to renew the prayer for bail.

6. The criminal application is accordingly disposed of.

(K. L. WADANE, J.)

JPC