

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

CRIMINAL APPLICATION NO.4047 of 2016

Meghna Vijay Jadhav
Age : 35 Years, Occu : Household,
At present r/o. c/o. V.K. Gaikwad
M.S.E.B. Colony, Pachora
Tq. Pachora, Dist. Jalgaon

.. Applicant
(Orig. complainant)

VERSUS

1. Vijay s/o Subhash Jadhav
Age : 36 years, Occu : Service,
R/o. Z.P. Primary School,
Kosegavhan, Tq. Shrigonda,
District – Ahmednagar
2. Kacharabai w/o Subhash Jadhav
Age : 48 years, Occu : Labour,
R/o. Takli (Lonar), Tq. Shrigonda,
Dist. Ahmednagar
3. Sanjay s/o Subhash Jadhav
Age : 29 years, Occu : Service
4. Jyoti d/o Subhash Jadhav
Age : 29 years, Occu : Service

Both r/o M.I.D.C. Colony
Samratnagar, Wadgaon Gusa Road,
In Devidas Gajbhiye House,
Ahmednagar, Dist. Ahmednagar
5. Rajendra s/o Baburao Jadhav
Age : 50 years, Occu : Labour
r/o. Jaykheda, Ta. Satana,
Dist. Nashik
6. Sau. Lilabai s/o Rajendra Jadhav

Age : 45 years, Occu : Labour
r/o. As above.

7. Raju Tukaram Gaikwad
Age : 28 years, Occu : Service,
r/o Chetna Colony, M.I.D.C.
In front of Garware Chowk
Laxmi Park, Ahmednagar
Tq. & Dist. Ahmednagar

8. The State of Maharashtra .. Respondents
(Nos.1 to 7 orig. accused)

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Adv. Shri A.P. Sonpethkar h/f. Adv. Shri P.N. Sonpethkar
for the applicant

Adv. Shri N.R. Thorat for Respondent Nos.4, 5 & 7
APP Shri S.P. Tiwari for the Respondent – State

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CORAM : P.R. BORA, J.

DATE : 31.10.2017

ORAL JUDGMENT :-

1. Heard Shri A.P. Sonpethkar, learned Counsel appearing for the applicant, Shri N.R. Thorat, learned Counsel appearing for the contesting respondents as well Shri S.P. Tiwari, learned APP appearing for the respondent – State.

2. The applicant has filed the present application seeking leave to appeal against the Judgment and order passed by the Court of Judicial Magistrate, First Class, Pachora in Regular Criminal Case No.250/2008 decided on 23rd June, 2016.

3. The present applicant had filed the aforesaid complaint against the present respondent nos.1 to 7 for the offence punishable under Section 498-A r.w. 34 of I.P.C. It was the case of the applicant that, she was being harassed and ill-treated by the respondents for non-fulfillment of the monitory demands made by them to her and her parents. It was also her contention that, the respondents were pressurizing her to accord her consent for the second marriage of respondent no.1 Vijay. It was also contention of the applicant that, respondent no.1 Vijay was having illicit relations with one Kavita Mane. The respondents, of course, had denied all the allegations against them. The learned Magistrate after having assessed the evidence brought before him acquitted all the accused of the charge levelled against them vide the impugned Judgment and order.

4. The learned Counsel for the applicant submitted that, the learned Magistrate on some frivolous grounds has disbelieved and discarded the evidence adduced by applicant. The learned Counsel submitted that, though ample evidence has come on record showing that, an amount of Rs.71,000/- and thereafter an amount of Rs.38,000/- was paid to the respondents, the learned Magistrate has ignored the said evidence. The learned Counsel, therefore, prayed for

allowing the present application.

5. As against it, the learned Counsel appearing for respondent nos.1 to 7 supported the impugned Judgment and order and prayed for rejecting the application.

6. The learned APP prayed for passing appropriate orders.

7. After having considered submissions made on behalf of the learned Counsel appearing for the respective parties and on perusal of the impugned Judgment, apparently it does not appear to me that, any case is made out by the applicant for granting her leave to appeal against the impugned Judgment and order. As has been observed by the learned Magistrate, there was inordinate delay in lodging the FIR by the applicant and the delay so caused has not been duly explained by the applicant. The learned Magistrate has further observed that, though it was the case of the applicant that, she was being beaten by the respondents, she has failed to bring on record any medical evidence in that regard. The learned Magistrate has further observed that, though a serious allegation was made by the applicant that, respondent no.1 was having illicit relations with one Kavita Mane, the applicant did not place on record any evidence to

substantiate the said allegation. As has been further observed by the learned Magistrate, the monitory demands also have not been sufficiently proved by the applicant. I have also gone through the evidence on record. Considering the conclusions recorded by the Magistrate in light of the evidence on record, it does not appear to me that, the Magistrate has committed any error in rejecting the complaint filed by the applicant and consequently by acquitting the present respondents. The reasons which are assigned by the trial Court in recording the acquittal of the accused appear reasonable, proper and consistent. Further, as noted by me herein above no serious infirmity is noticed in appreciation of the evidence by the trial Court.

8. For the aforesaid reasons, I am not inclined to allow the present application. The application being devoid of any substance deserves to be dismissed and is accordingly dismissed.

(PR. BORA, J.)