

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 15 OF 2017

The State of Maharashtra	Applicant
versus	
Bhauso @ Dilip Bhujangrao Desai and ors.	Respondents

Mrs. M. M. Deshmukh, APP for the applicant.
Mr. Abhijeet Desai, advocate for the respondents.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 22nd JUNE, 2017.

P. C. :

The State is aggrieved by the acquittal of the respondents of offences under Sections 302 and 506 read with Section 34 of the Indian Penal Code, 1860 and, therefore, approached this Court by way of the aforesaid application for leave to appeal.

2 The respondent Nos. 1 to 3 are the original accused Nos. 1 to 3. The respondent No.1/accused No.1 is the husband and respondent Nos.2 and 3/accused Nos. 2 and 3 are the in-laws of the deceased – Bhagyashri. According to the prosecution, the accused No.1 killed Bhagyashri by administering poison. The prosecution heavily relied upon the evidence of the eye-witness PW-3-Dinesh who is the son

of the deceased and respondent No.1/accused No.1. The learned Sessions Judge discussed his evidence in paragraph 42 and by giving cogent reasons, came to the conclusion that this witness is tutored one and, therefore, disbelieved him.

3. Be that as it may, there is nothing on record to show that the Bhagyashri died due to consumption of poison. The evidence of PW-7- Dr.Bipin Gonjare and PW-9- Dr.Vaishali Patil, in this regard, does not support the prosecution case. The view taken by the learned Sessions Judge is a plausible one and, we are, therefore, not inclined to entertain the application. The criminal application is, accordingly, dismissed.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]