

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPEAL NO. 80/2015**

Sakharam s/o Dajiba Doiphode ..vs.. The State of Maharashtra thr. PSO
Deulgaon Rja, Buldhana and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Mahesh Rai, Advocate for appellant.

Mr. R. S. Nayak, A.P.P. for respondent no.1.

Mrs. Radhika Bajaj, Advocate for respondent nos.2 to 7.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 4, 2017

The present appeal takes exception to the judgment and order of acquittal passed by the learned Assistant Sessions Judge, Buldhana dated 13.01.2015 in Sessions Trial No.23/2011 by which the Court below acquitted the respondent of the offence punishable under Section 498A, 306 read with Section 34 of Indian Penal Code.

No appeal challenging the judgment and order of acquittal is preferred by the State.

The deceased Jyoti was married with Prabhakar s/o Dinkar Nagre in the year 2002. He was also joined as accused in the trial. However, during the pendency of the trial, Prabhakar expired. Therefore, the trial against him was abated.

Original accused nos. 2 and 3 are father and mother in law of the deceased whereas original accused nos. 5 to 7 are her sisters in law and accused no.4-Vikas is husband of original accused no.5.

Even from the prosecution case, it is clear that from the marriage till 2008, there was no ill treatment or even complaint of any type of harassment. In the year 2008, the complainant got himself transferred at Deoulgaon Mahi as a Poen. At the same time, his son in law-original accused no.1 was also transferred in the same hospital as X-Ray Technician and according to the prosecution, from that point of time, harassment to the deceased Jyoti started.

The learned Judge has rightly noticed that all the allegations after 2008 till Jyoti consumed poison are vague and general in nature. The other accused persons were not residing at Deoulgaon Mahi. Only the husband used to reside with the deceased.

Looking to the quality of the evidence, in my view, the learned Judge has correctly acquitted the accused. No case is made out for interference in the present appeal. The same is therefore dismissed.

JUDGE