

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.182/2016

IN
CRIMINAL APPEAL NO. /2016

State of Maharashtra, through Police Station Officer, Durgapur Police Station,
Distt. Chandrapur

..Vs..

Sanjay Singh S/o Vijay Singh and others

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

Court's or Judge's orders

Shri S.P. Deshpande, Addl.P.P. for the applicant / State.
Ms. Nazia Pathan, Advocate h/f Shri S.V. Sirpurkar, Advocate for the
respondents.

CORAM : Z.A.HAQ, J.

DATE : 6.6.2017.

Heard.

This application is filed by the State of Maharashtra under Section 378(3) of the Code of Criminal Procedure seeking leave to file appeal to challenge the judgment passed by the Sessions Court by which the accused are acquitted for the offence punishable under Section 498-A and 306 read with Section 34 of the Indian Penal Code.

As the learned Addl. P.P. and the learned Advocate appearing for the non-applicants / respondents submitted that they are ready even on merits of the matter, I have examined the matter.

According to the prosecution, deceased Renu

committed suicide because of harassment and torture of the non-applicants / respondents. The accused No.1 is husband of deceased Renu, accused No.2 is brother of accused No.1, accused No.3 is father of accused No.1, accused No.4 is mother of accused No.1 and accused No.5 is married sister of accused No.1. The case of the prosecution is substantially based on a note of deceased Renu and on the evidence of P.W. 2 Avdhesh Singh, P.W.3 Aritma Singh, P.W.4 Sughar Meshram and P.W.5 Shital Singh. The learned Addl. P.P. has submitted that Sessions Court has not properly appreciated the evidence on record and has wrongly acquitted the accused. The learned Advocate for the non-applicants / respondents has pointed out paragraph Nos.26 and 27 of the impugned judgment which show that the evidence on record is exhaustively considered by the Sessions Court and it is found that there are omissions, contradictions and improvements in the testimonies of the above referred witnesses. The learned Addl. P.P. has not been able to point out that there is any error in the appreciation of evidence by the Sessions Court.

I do not see any reason to consider the prayer made on behalf of the applicant. The application is **dismissed**. Consequently, the appeal is **rejected**.

JUDGE