

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION NO.218/2016

Manoj Ramdas Bhusari & Ors..vs.State of Maharashtra thr. Office In Charge, P.S.Akola

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

Court's or Judge's orders.

Mr. A. R. Deshpande, Advocate for applicant.

Mr. N. B. Jawade, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 21, 2017

Heard Mr. A. R. Deshpande, Advocate for applicant. Mr. N. B. Jawade, A.P.P. for non applicant.

By the present revision, the applicants are challenging rejection of their application below Exh.-31 in Sessions Trial No. 160/2010 by which the learned Judge of the Court below has rejected the application for discharge. The applicants who are husband and parents in law of the deceased Sushila are facing prosecution for the offence punishable under Section 498A, 306 and 304-B read with Section 34 of the IPC vide Crime No. 104/10 registered with Police Station, Barshi Takli.

After completion of the investigation, final report is filed on record which contains the statements of various persons prima facie indicating involvement of the present applicants.

The report lodged by the first informant Sheshrao on 03.09.2010 shows that within a span of four months of her marriage which took place on 16.05.2010, Sushila was required to cut short her life. The allegation

in the FIR and also from the statements which are available on record shows that she jumped into the well in view of the intolerable harassment to her at the hands of the present applicants.

At the stage of deciding the application for discharge, the Court is not required to scrutinize the evidence of the prosecution so minutely so as to reach to the conclusion as to whether the prosecution has successfully proved its case or not. The Court is just required to see whether there are prima facie grounds for framing of charge and materials to show involvement of the accused/applicants. The learned Judge has considered various statements available on record.

In view of the fact there is material which prima facie shows the involvement of the present applicants causing harassment to the deceased resulting into her untimely exit from this world, I am of the opinion that this revision has no merit and accordingly it is rejected.

It is however made clear that the learned trial Judge shall not get influenced by any of the observations made in this order so also the observations made by the learned Judge while deciding application for discharge.

With these observations, the revision is dismissed.

JUDGE