

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

CRIMINAL APPEAL NO.28 OF 2003

The State of Maharashtra
Through Police Station,
Bhagyanagar, Nanded

.. Appellant
[Ori. Complainant]

Versus

1. Deepak S/o. Keshav Jondhale,
Age-30 years, Occu-Service,
R/o.Vaishalinagar, Nanded
2. Keshavrao S/o. Khandoji Jondhale,
Age-55 years, Occu-Service,
R/o. As above
3. Saraswatibai W/o. Keshavrao Jondhale,
Age-45 years, Occu-Household,
R/o. As above
(Appeal is abated against respondent No.3
as per court order dated 27.07.2017)
4. Rupak S/o. Keshavrao Jondhale,
Age-25 Years, Occu-Vice Sarpanch,
R/o. As above
5. Chandramuni S/o. Keshavrao Jondhale,
Age-19 years, Occu-Student,
R/o. As above
6. Laxmikant S/o.1 Keshavrao Jondhale,
Age-22 years, Occu-Nil,
R/o. As above

.. Respondents
[Ori. accused]

Mr.S.S.Dande, APP for the appellant/State
Mr.D.B.Gaikwad, Advocate h/f Mr.P.V.Ambade, Advocate for
the respondents

CORAM : S.M.GAVHANE, J.

DATED : 20.01.2018

J U D G M E N T :-

. This appeal is directed against the judgment and order dated 26.08.2002 in RCC No.477/1999 passed by the JMFC, Nanded thereby acquitting the respondents /accused Nos. 1 to 6 of the offence punishable under Section 498-A r/w Section 34 of the Indian Penal Code [For short the IPC]. The respondent No.3/accused No.3-Saraswatibai Keshavrao Jondhale died during pendency of the appeal and therefore the appeal is abated against her as per order dated 27.07.2017. Appeal proceeded only against the remaining accused.

2] The prosecution case, is as under:-

A] The complainant Sangita [PW-1] daughter of Dinkar Ambhore [PW-2] and Sakhubai Ambhore [PW-4] resident of Nanded was married to accused No.1 on 29.05.1994. The accused Nos.2 and 3 are father-in-law and mother-in-law and accused Nos.4 to 6 are brother-in-laws of the complainant At the time of marriage the

complainant's parents had given Rs.50,000/- dowry, 5-Tola Gold, deck and household articles to her and marriage expenses of Rs.1,00,000/- were incurred by her parents. After marriage, she went to the house of accused at Vaishali Nagar, Nanded for cohabitation.

B] It is alleged that initially the complainant resided with accused in joint family at Vaishali Nagar, Nanded. The accused maintained her properly for a period of two years. After one and half year of the marriage as the accused No.1 was serving at Jalna in Court, he had taken the complainant with him and there she was treated properly for six months. Thereafter, the accused No.1 started saying the complainant to bring Rs.50,000/- from her father and started abusing and giving burns to her by hot tester. Then the accused No.1 started physical and mental cruelty to the complainant. Thereafter, the complainant came to her parental house and disclosed the incident happened to her parents. Thereafter, she went to her in-laws house at Vaishali Nagar, Nanded. Her mother-in-law the accused started taunting her. So also, all three brother-in-laws of the complainant were instigating accused No.1 to ask the complainant to bring Rs.50,000/- from her parental house. Therefore, accused No.1 was frequently abusing and beating the complainant by fist

and kick blows.

C] It is alleged that prior to Sankrant festival the accused No.1 on the say of his parents and brothers assaulted and drove out the complainant out of the house while she was pregnant. Thereafter, on 06.03.1998 she delivered a female child. Nobody from her in-laws house had come to see the child. Thereafter, in August-1998 father of the complainant left the complainant at her in-laws house in Vaishali Nagar, Nanded, but at that time her husband, in-laws and brothers of her husband drove her out of the house as she had not brought money. Thereafter, she went to her parental house. Thereafter her father, one Hanmant and one Awte went to the house of the accused and convinced the people from her in-laws house but they did not listen and she stayed with her parents.

D] Furather, it is alleged that on 03.03.1999 the complainant's father had left her at her in-laws house in Vaishali Nagar, Nanded and convinced the people from her in-laws house that he has no Rs.50,000/- to give her husband /accused No.1 and therefore he has given RS.25,000/-. But accused No.1 and in-laws of the complainant in furtherance of their common intention

assaulted her and drove her out of the house as entire amount of Rs.50,000/- was not given. Thereafter, again the complainant return to her parental house. Thereafter on 07.03.1999 the accused No.1 and in-laws of the complainant abused the complainant and brought pressure on her to give divorce. Thereafter, on 11.03.1999 the complainant went to the Police Station Bhagya Nagar, Nanded and narrated the incident as above to the Police. Her statement was accordingly recorded by PSI of said Police Station. Treating the said statement as FIR Crime No.63/1999 for the offence under Section 498-A r/w Section 34 of the IPC was registered against the accused and PSI Deshpande [PW-6] started the investigation. During the investigation he recorded the statements of the parents and other witnesses who were known of the facts and accused were arrested and they were released on bail. After completion of the investigation he submitted the charge-sheet in the Court of JMFC, Nanded.

3] The charge was framed against the accused for the offence punishable under Section 498-A r/w Section 34 of the IPC to which the accused pleaded not guilty and claimed to be tried. Their defence as it appears from the trend of cross-examination of the prosecution witnesses is denial and that their financial condition is sound. They have never demanded any amount from the complainant

and that they have never ill-treated her for alleged demand. They have been falsely involved by the complainant to harass.

4] To prove the guilt of the accused, the prosecution has examined in all six witnesses. Those includes the complainant Sangita [PW-1], Dinkar [PW-2] father of the complainant, PW-3 Maternal uncle of the complainant, Sakhubai [PW-4] mother of the complainant, Trimbak [PW-5] land lord of the accused No.1 while accused No.1 was residing at Jalna and PSI Deshpande [PW-6] the Investigating Officer. On considering the evidence adduced by the prosecution the trial Court has held that the prosecution has failed to prove offence under Section 498-A r/w Section 34 of the IPC against the accused and acquitted them of the said offence by the impugned judgment and order. Aggrieved by the said acquittal, the appellant/State has filed this appeal on several grounds mentioned in the memorandum of appeal.

5] I have heard learned APP appearing for the appellant/State, who submits that the trial Court has unnecessarily given importance to the admissions given by the prosecution witnesses and to the contradictions which have been brought on record in the evidence of

prosecution witnesses while appreciating their evidence. He further submits that in the complaint/FIR [Exh.32] the complainant has alleged that accused demanded Rs.50,000/-. The complainant has deposed that the said amount was demanded for purchasing motorcycle. According to the learned APP merely because purpose, for which, above said amount was demanded by the accused is not mentioned in the FIR the evidence of complainant cannot be rejected as FIR is not encyclopedia. Substance of argument of the learned APP was that the evidence of material prosecution witnesses is sufficient to prove the charge of cruelty against the accused and as such claimed to allow the appeal and punish the accused/respondents accordingly by setting aside the impugned judgment and order.

6] I have carefully considered the submissions of the learned APP. With his able assistance I have perused the evidence adduced by the prosecution. I have also gone through the impugned judgment and order.

7] There is no dispute that the complainant [PW-1] was married to the accused No.1 on 29.05.1994. Accused Nos. 2 to 6 are respectively her father-in-law, mother-in-law and brother-in-law. After marriage she went to the

joint family of the accused in the Vaishali Nagar, Nanded for cohabitation. The allegation of the prosecution is that after marriage accused treated the complainant properly for two years. The complainant was taken to Jalna by the accused No.1 where he was serving in the Court after one and half years of the marriage and there he treated her properly for six months and thereafter he started demanding Rs.50,000/-, abused her and caused burns to her with the help of heated tester. The other accused also instigated him to demand above said amount. So also, on 03.03.1999 on the next day of Dhuliwandan when the complainant went to the house of the accused with her father, her father convinced the accused and her father gave them Rs.25,000/- still the accused in furtherance of their common intention beaten the complainant as entire amount of Rs.50,000/- was not paid and as such accused caused mental and physical cruelty to the complainant within the meaning of cruelty defined under Section 498-A of the IPC. To prove these allegations, the prosecution has mainly relied upon the evidence of PWs-1 to 5.

8] The evidence of [PW-1] the complainant Sangita is that the accused persons treated her well for about one and half years from the date of marriage. Thereafter,

as her husband was serving at Jalna she went with him at Jalna. She was residing with accused No.1 in rented house of Trimbak [PW-5]. Accused No.1 treated her well for about six months and then he started giving her ill-treatment for demand of Rs.50,000/- for purchasing Hero Honda motorcycle. Accused No.1 caused her burn injury by means of hot tester. She stated that thereafter, accused No.1 reached her at Nanded at the house of accused Nos.2 to 6, in 1997. The said accused Nos. 2 to 6 also used to instigate accused No.1 for demand of amount and accused No.2 Keshav used to beat her.

9] PW-1 has further deposed that in the year 1998 at the time of Sankrant festival she came alongwith accused No.1 to the house of accused Nos.2 to 6 at Nanded. At that time her husband had beaten her and drove her out of the house. Then she came to the house of her mother. She disclosed about ill-treatment to her mother and brother. She has deposed that she gave birth to a female child on 08.03.1998. Nobody from the side of the accused had come to see the child.

10] According to PW-1 then in the Month of August her father reached her at the house of the accused. Accused were asking her whether she has come alongwith

amount or not. She replied that she has not brought an amount. Her father was present there. He was saying to the accused that his economical condition is not so good therefore he is unable to give an amount. Then she resided at the house of the accused. After 8 days she went to the house of her father at her own occurred and disclosed him that the accused are demanding money. Thereafter, her father, Hanumante and Awte went to the house of the accused and convinced them. But the accused were not listening and they were demanding money.

11] PW-1 has further deposed that on 03.03.1999 she went to the house of the accused with her father. She had taken Rs.25,000/- from her father and gave the said amount to her husband. At that time accused Nos. 2 and 3 were present. She stated that accused Nos.1 to 6 were present there. Thereafter, her father went away and she resided there. On 07.03.1999 her husband and her in-laws pressurized her that she should pay an amount or she should give divorce to her husband. Thereafter, they started beating her. Then on 10.03.1999 her husband and accused Nos. 2 to 6 drove her out of the house. Accused No.1 and accused No.2 her father-in-law beat her. Then she came to the house of her father at Nanded and lodged the complaint and disclosed the incident to the Police as

per Exh.32 dated 11.03.1999.

12] In the cross-examination PW-1 the complainant has stated that her husband demanded an amount to her in the year 1996 for the first time. At that time she and her husband were residing. He demanded an amount of Rs.50,000/-. She has not given said amount to the accused. Her husband had given her burns by means of tester in the month of December-1996 on both the hands. She disclosed about said burns to her parents in 1996. She informed the same to her parents on the next day of incident. Her parents came to her house. She has not gone in hospital at Jalna and her parents also brought her in Hospital at Jalna. She came at Nanded in the month of December, 1996 and after one month she went to the house of the accused at Vaishali Nagar, Nanded. As per evidence of Sangita [PW-1] burns were caused to her with the help of tester in December, 1996 to her both the hands and she disclosed the same to her parents on the next day. According to her thereupon her parents came to her house and they had brought her in the Hospital at Jalna. No Medical Officer from Hospital, Jalna has been examined to show that really the Medical Officer /Doctor in hospital at Jalna had examined the complainant and he noticed burn injuries on both the hands of the complainant. So also,

neither complainant nor her parents lodged any complaint in respect of the said incident to the Police. In fact, if really the complainant would have sustained such burn injuries the complainant as well as her parents would have definitely lodged the complaint in respect of the said incident. But neither they had filed any complaint in respect of the said incident to the Police nor in the Court, and hence it is doubtful whether the accused caused burns to the complainant as alleged.

13] In the cross-examination Complainant [PW-1] has stated that she had gone to the house of the accused to attend the funeral of Grand father-in-law on 25.02.1999. After funeral on the same day she went to the house of her father and then she had no occasion to come to the house of the accused. This evidence falsifies evidence of complainant that on 03.03.1999 she went with her father alongwith Rs.25,000/-, she had taken Rs.25,000/- from her father, given it to her husband and that at that time accused Nos.2 and 3 were present. So also, said evidence falsifies evidence PW-1 that on 07.03.1999 her husband and others brought pressure on her that she should pay an amount or she should give divorce to her husband. Therefore, evidence of complaint regarding giving an amount of Rs.25,000/- to accused on 03.03.1999 and that

accused brought pressure on her to give divorce is not believable. Another reason to hold this, is that the complainant has stated that at the time of giving Rs.25,0000/- to the accused No.1 her husband, her father was with her, but she has not stated that PW-3 her maternal Uncle Uttam Navghare and one Shankar were also present at that time as deposed by PW-3.

14] The statement/FIR [Exh.32] of the complainant does not show that accused No.1 demanded Rs.50,000/- for purchasing motorcycle as deposed by PW-1 the complainant. In paragraph No.4 of her cross-examination the complainant has admitted that the accused No.1 her husband is serving as a Clerk in the Court at Partur, Dist. Jalna. He is serving in the Court since 1991. Her husband gets salary of Rs.6,000/-. Her father-in-law is serving as Accountant in Cooperative Bank at Nanded and his salary is of Rs.10,000/-. There is house of father-in-law in Vaishali Nagar, Nanded, and it is RCC house. Accused No.4 Rupak brother of her husband is having jeep as a owner. This evidence shows that family of the accused has sufficient income and their financial condition is sound. Considering the same and the fact that Sangita [PW-1] has not disclosed in the FIR that an amount of Rs.50,000/- was demanded for purchasing

motorcycle her evidence regarding demand of Rs.50,000/- is not believable.

15] The evidence of Dinkar Ambhore [PW-2] father of the complainant is that after her marriage the complainant resided at the house of the accused Nos. 1 Deepak up to 18 months. At that time accused No.1 used to up and down from Jalna to Nanded within a week. After 18 months of marriage, accused No.1 had taken the complainant at the place of his service at Jalna. After 18 months from marriage accused No.1 started ill-treating the complainant on account of illegal demand of Rs.50,000/- for the purpose of purchasing plot as well as for purchasing the motorcycle. Accused No.1 started ill-treating the complainant by inserting clothes in the mouth of the complainant as well as by giving touch of the hot tester and slaps and by abusing. He told the complainant that without her wish marriage had taken place. Accused informed and called him at Jalna as and when he (accused No.1) wants to talk to him. Accused No.1 called him at Jalna 2-3 times and demanded Rs.50,000/- and threatened that if he could not satisfy the demand of accused he would continue the said ill-treatment to the complainant. He convinced the accused No.1 as and when he was called by the accused No.1 at Jalna for demand of

money.

16] PW-2 has further deposed that in 1996 accused No.1 sent the complainant at his house at Nanded. After two months he sent the complainant at her in-laws house at Nanded. In the year 1997, accused No.1 had taken the complainant to Jalna and beat the complainant in the month of the October, 1997 when she was pregnant and drove her out in the month of December, 1997 and sent at his native place at Nanded. Accused Nos.2 to 6 also beat the complainant at Nanded and drove her out of the house. They had threatened that without bringing Rs.50,000/- they would not maintain her. Thereafter, the complainant came to his house and delivered a female child in the month of March, 1998. He informed the accused about delivery of child. In the month of August, 1998 he sent the complainant with her child at the house of accused at Nanded. At that time his wife Sakhubai [PW-4] was also with him. Accused No.1 asked the complainant whether she had brought Rs.50,000/- from her parents and the complainant declined to bring said amount. Thereafter, he and his wife came back at their house leaving the complainant at the house of the accused. After 8 days the accused persons beat the complainant and drove her out of the house. Then the complainant came at his house and

narrated that the accused are not willing to maintain her without fulfillment their demand of Rs.50,000/-. Then he, one Awte and Hanmante with the complainant went to the house of the accused and convinced them not to ill-treat the complainant and that he could not satisfy their demand due to poverty. Then they came back leaving the complainant at the house of the accused. After four days the complainant came back to his house. Thereafter, he collected Rs.25,000/- and went to the house of the accused on 03.03.1999 with Navgire, Gaikwad and the complainant. That time the complainant paid Rs.25,000/- to the accused No.1. Accused counted the said amount and replied that it is part amount of demanded amount and started to beat the complainant. Thereafter, they came back to his house at Nanded, leaving the complainant at the house of accused. Thereafter on 07.03.1999 he went to the house of the accused to attend thirteen day of relatives and at that time the accused again demanded him remaining amount of Rs.25,000/- and he assured that he would pay remaining amount. However, he could not satisfy the said demand. Thereafter again the accused started ill-treatment to the complainant. Accused drove her out of the house. Therefore, he filed the complaint.

17] In the cross-examination Dinkar [PW-2] has

stated that at first time in the month of June, 1996 accused demanded Rs.50,000/- from his daughter the complainant. The complainant told the same to him. He stated that he had not filed any complaint with any Police since June, 1996 to 10.03.1999. Had it been the case that the accused would have demanded Rs.50,000/- from the complainant from June, 1996 to 10.03.1999 from time to time after some intervals as deposed by the complainant and her father [PW-2], PW-2 would have definitely filed complainant with the Police, but no such complaint was filed by him. So also, as referred earlier while appreciating the evidence of complainant, she stated that on 25.02.1999 she had gone to her in-laws house for funeral of grand father-in-law and thereafter she had no occasion to come to the house of the accused and therefore her evidence that she paid Rs.25,000/- to the accused No.1 at the house of the accused on 03.03.1999 is disbelieved. The said evidence of the complainant also falsifies the evidence of PW-2 that on 03.03.1999 he alongwith two other witnesses referred to above and the complainant had gone to the house of the accused and the complainant paid Rs.25,000/- to the accused No.1. Moreover, as referred earlier the evidence of PW-2 shows that alleged amount of Rs.50,000/- was demanded by the accused for purchasing plot and as well

as motorcycle, but the same is not mentioned in the complaint /FIR [Exh.32]. Even on oath the complainant has only stated that the said amount was demanded by the accused for purchasing Hero Honda motorcycle and she did not state that amount was demanded for purchasing the plot. Thus, there is no consistency in the evidence of the complainant and her father PW-2 in respect of reason behind demanding amount of Rs.50,000/-. Therefore, the evidence of PW-2 in respect of the alleged demand of Rs.50,000/- by the accused and ill-treatment to the complainant for non fulfillment of said demand is not believable.

18] Now, coming to the evidence of Uttam Navghare [PW-3] Maternal Uncle of the complainant, his evidence is that after marriage of complainant, she went at the house of accused for cohabitation. Thereafter, accused No.1 started ill-treating the complainant on account of unlawful demand of Rs.50,000/-. Accused No.1 used to ill-treat the complainant by giving burns. He came to know about the said ill-treatment from parents of the complainant. Thereafter, he alongwith the father of the complainant went to Jalna and inquired with landlord of the accused No.1. He also narrated the incident about ill-treatment to the complainant. He further stated that

after coming from Jalna, with the complainant they paid Rs.25,000/- to the accused No.1 at Nanded at his house. At that time one Ambhore, he and one Shankar Gaikwad were present.

19] In the cross-examination PW-3 stated that he does not remember day and date when he went at Jalna at the house of the accused No.1. So also, he could not tell day and date when he came from Jalna alongwith the complainant. So also, he could not tell date and day on which they have paid Rs.25,000/- to the accused No.1. The complainant [PW-1] did not state that she disclosed about ill-treatment to her by the accused on account of demand of Rs.50,000/- to PW-3 her maternal uncle at any time. Even she has not stated that PW-3 had accompanied her father at Jalna at the house of the accused No.1. As referred earlier the complainant had no occasion to come to the house of the accused after 25.02.1999. Therefore, evidence of this witness regarding paying Rs.25,000/- to the accused No.1 by him and others is not believable. He stated that accused No.1 started ill-treatment to the complainant on 03.03.1999 on account of unlawful demand. In the 10th month of 1999 accused caused burns to the complainant by iron tester. As referred earlier PW-1 and PW-2 have stated that in 1996 the accused made demand of

Rs.50,000/- for the first time. So also, as referred earlier as per evidence of PW-1 accused caused burn injuries to the complainant in December, 1996. Therefore, evidence of this witness about starting of ill-treatment to the complainant on 03.03.1999 is not believable. If really the complainant would have disclosed anything about the ill-treatment to her by the accused to this witness, this witness being Maternal Uncle would have definitely lodged complaint against the accused. But, admittedly he has not filed any criminal complaint against the accused No.1 at Jalna. Thus, the evidence of PW-3 is not sufficient to infer that the accused caused ill-treatment on account of unlawful of amount.

20] The evidence of Sukhubai [PW-4] mother of the complainant is that after marriage the complainant resided at her in-laws house at Nanded and her son-in-law was residing at Jalna. He used to come two times within a month at Nanded. After one and half years of marriage her son-in-law took her daughter the complainant at Jalna for cohabitation. After some days at Jalna accused No.1 started ill-treatment on account of demand of Rs.50,000/- to her daughter the complainant and used to ill-treat the complainant by abusing and beating the complainant with electric tester. The other accused were also frequently

visiting the house of the accused at Jalna and were instigating accused No.1 for ill-treating the complainant and demand of Rs.50,000/- from the complainant. Whenever the complainant used to come to her house she used to narrate about the said ill-treatment and she also used to inform her about the ill-treatment through letters.

21] PW-4 has further stated that her husband went to Jalna at the house of the accused and convinced him not to ill-treat her daughter. Thereafter, when the complainant was carrying pregnancy of about six months, the accused ill-treated her on account of Rs.50,000/- and drove her out of the house at Vaishali Nagar, Nanded and they warned her that if she has not paid amount, they would not maintain her at their house. The said incident was narrated by the complainant to her [PW-4] at her home. So also, PW-4 stated that accused No.1 came to her house and demanded Rs.50,000/- and slapped the complainant before her. She also stated about giving birth of a female child by the complainant and that nobody from the house of the accused had come to see the female child. Thereafter, she and her husband went at the house of the accused with the complainant to reach her. Thereafter within eight days accused beat the complainant and drove her out of their house. The complainant

narrated the incident to her and also told her that until and unless they would pay Rs.50,000/- to the accused they would not maintain her. She also stated that on 03.03.1999 her husband, Navgire, Gaikwad and complainant went at the house of the accused taking Rs.25,000/- and that after taking Rs.25,000/- also accused beat the complainant on account of non fulfillment of entire demanded amount of Rs.50,000/-. She came to know about the incident, from her husband.

22] In the cross-examination PW-4 has stated that they have not filed any complaint about the ill-treatment to the complainant against the accused to the police. She stated that at the time of investigation of this Crime against the accused she has not submitted any documentary evidence i.e. letters which were sent by her daughter the complainant to her, to the Investigating Officer. As referred earlier the alleged ill-treatment was started after one and half years of the marriage of the complainant with the accused No.1 on 29.05.1994 on account of demand of Rs.50,000/-. If such demand was there after 1½ years of 29.05.1994 this witness being mother of the complainant would have made complaint to the police about the ill-treatment to the complainant by the accused but she did not file such complaint. This

witness claims that she came to know about the ill-treatment to the complainant by the accused through letters which were sent by the complainant to her. But, admittedly she has not produced said letters before the Investigating Officer during the course of the investigation. In fact, it was possible for her to produce /submit such letters to the Investigating Officer. Said letters would have definitely thrown light on the alleged ill-treatment to the complainant at the hands of the accused. The evidence of this witness regarding payment of Rs.25,000/- to the accused by her husband is also not believable because she has no direct knowledge about the said fact and so also evidence in this respect of PWs-1,2 and 3 is held not reliable as observed earlier. Therefore, interested testimony of this witness is not sufficient to infer that the accused caused cruelty to the complainant.

23] The evidence of PW-5 Trimbak Ghorpade who was land lord of the complainant and accused No.1 at Jalna is that he was residing adjacent to the complainant and accused No.1. The accused No.1 used to abuse the complainant. He did not interfere in the dispute between the accused No.1 and the complainant. But, thereafter he convinced the accused No.1 not to quarrel with his wife.

This evidence of PW-5 is of general nature and is of no help to the prosecution to prove alleged cruelty to the complainant i.e. causing cruelty to the complainant due to non fulfillment of alleged demand of Rs.50,000/- by the accused.

24] Admittedly PWs.1,2,3 and 4 are closely related and therefore, they are interested witnesses. No independent witness from Nanded who is neighbor of the accused is examined by the prosecution. Therefore, as observed earlier while appreciating the evidence of PW-1 and when PWs.2 and 4 father and mother of the complainant have also admitted that financial condition of the accused is sound and when there is no consistency in the evidence of PWs.1,2 and 4 regarding reason behind demanding an amount of Rs.50,000/- by the accused from the complainant the evidence of PWs. 1 to 4 as well as PW-5 is not sufficient to state beyond doubt that accused have caused cruelty to the complainant on failure of the complainant and her parents to fulfill their demand of Rs.50,000/- so as to attract the ingredients of offence under Section 498-A of the IPC.

25] For the foregoing reasons, I hold that the prosecution has failed to prove offence under Section

498-A r/w Section 34 of the IPC against the accused beyond reasonable doubt. The trial Court has rightly held so and rightly acquitted the accused of the said offence by the impugned judgment and order. The view taken by the trial Court in acquitting the accused is reasonable and possible view. There is no error in appreciating the evidence by the trial Court. In this view of the matter argument advanced by the learned APP that the trial Court has unnecessarily given importance to the admission given by prosecution witnesses and inconsistencies in the evidence of the prosecution witnesses while appreciating their evidence is not accepted. Thus, there is no justifiable ground to interfere with the impugned judgment and order. Thus, the appeal being devoid of merits, the same is liable to be dismissed. Accordingly the same is dismissed. The bail bonds, if any, of the accused Nos.1,2 and 4 to 6 are cancelled.

[S . M . GAVHANE , J .]