

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.757 OF 2012

The State of Maharashtra

... **Applicant**

V/s.

Mr. Anantkrushnan Raju B.V. & Ors.

... **Respondents**

Mr. A.R. Kapadnis, APP for the Applicant State.

Smt. Sunand Kumbhat for Respondent Nos.1, 2, 3, 4 and 7.

CORAM : A.S.GADKARI, J.

DATE : 19th MARCH, 2018

P.C.:

1. This is an application for leave to file appeal under Section 378(3) of Cr.P.C., thereby acquitting the respondents from the offence punishable under Section 498-A and 306 r/w.34 of the Indian Penal Code by judgment and order dated 23.02.2013 passed by the learned Ad-hoc. Asst. Sessions Judge, City Civil Court, Gr. Bombay in Sessions Case No.691 of 2004.
2. Heard the learned APP and the learned counsel appearing for Respondent Nos.1, 2, 3, 4 and 7. Perused the record.
3. The record indicates that the marriage between Respondent No.1 and Smt. Lalita was solemnized on 01.06.2001. That, due to harassment at

the instance of respondents, Smt. Lalita left to her matrimonial house on 11.02.2002 and was residing with her parents. That, on 30.10.2002 Smt. Lalita committed suicide by hanging at her parents house. The FIR is lodged by Mr. Nageshwarraju Ramraju Gobbur (PW-1), the father of deceased Smt. Lalita on 16.11.2002. These are the admitted facts on record.

4. The record indicates that, the Investigating Officer (PW-6) in his testimony has admitted that, after the receipt of information about the alleged incident, he immediately rushed to the spot and made enquiry. That, Smt. Jayamma Venkatraju Gobbur (PW-2), the mother of deceased Smt. Lalita informed him that, the family members are not willing to lodge FIR and therefore, she did not lodge the report. He has further admitted that, after a period of about 15 days, PW-1 i.e. the father of deceased Smt. Lalita approached the police and has lodged the present crime. The record reveals that, the allegations levelled against the respondents of harassment and demand are general in nature and no specific overtact is attributed to anybody, thereby leading to draw an inference that, the said harassment was amounting to cruelty as contemplated under Section 498-A of IPC. The allegations of demand are also vague in nature.

As noted earlier, Smt. Lalita committed suicide at her parents house where she was residing for a period of more than six months after leaving her matrimonial house.

5. After perusing the record, it is clear that the prosecution has failed to adduce sufficient and cogent evidence, thereby proving the guilt of the respondents for the offence alleged against them, beyond reasonable doubt.

6. After perusing the entire record, this Court is of the opinion that, the view adopted by the Trial Court is a reasonable and probable view in the facts and circumstances of the present case.

7. No case for grant of leave is made out.

8. Application is accordingly rejected.

(A.S.GADKARI, J.)