

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

APPLN FOR LEAVLE TO APPEAL (STATE) NO. 134 OF 2017

The State of Maharashtra ... Applicant

Versus

Sandip Shankar Sawant and Ors. ... Respondents

Mr. F.R.Shaikkh, APP for the State.

None for the respondents.

**CORAM : B.P. DHARMADHIKAKRI &
SARANG V. KOTWAL, JJ.**

DATE : DECEMBER 20, 2018

P.C.:

Learned APP initially sought time to go through the entire record and pointed out that the matter has suddenly come on board. When his request was rejected he has assisted the court.

2. After hearing him, we find that the witnesses examined by the prosecution to bring home the charge under 498A, 304B, 306 happened to be relatives of deceased and they speak of events in the year 2008 and 2009. The deceased was staying separate from her husband since 2010 and she has committed suicide on 03/12/2012 at 12.15 p.m. The suicide is in the house of accused no.1.

3. Amongst other things, the trial court has also taken a note of the fact that before committing suicide at 5.30 am, she had called her mother and enquired about the health of the parents. She has left a suicide note in which she has expressly mentioned that nobody from her husband's side should be held responsible.

4. In this situation, taking overall view of the matter, we do not find any perversity in the judgment of acquittal. No case is made out. Hence, Application is rejected.

(SARANG V. KOTWAL, J.)

(B.P. DHARMADHIKARI, J.)