

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

CRIMINAL APPLICATION (APPA) NO. 701 OF 2017

(Satish s/o Damodarrao Manekar V/s Sunil Pralhadrao Maidankar 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 B.N. Jaipurkar, Counsel for the Applicant.

CORAM: ROHIT B. DEO, J.

DATE: 21st MARCH, 2018.

The applicant, who is the brother of the deceased Vanita is seeking leave to appeal against the judgment and order dated 30-10-2015 rendered by the Additional Sessions Judge, Amravati, by and under which the respondent-accused are acquitted of offence punishable under Section 306 of the Indian Penal Code.

2. Concededly, the deceased Vanita, the wife of respondent 1 committed suicide after 14 years of marital life.

3. Learned Sessions Judge has recorded a finding that although PW-1 and PW-3 stated in the deposition that

the deceased Vanita used to disclose that she was ill-treated, no specific instances or particulars are forthcoming.

4. It is not in dispute that the father of the deceased and one paternal uncle committed suicide. The learned Sessions Judge has recorded a finding that suicidal tendency runs in the family of the deceased.

5. It is further not in dispute that deceased Vanita was being treated for a mental disorder. PW-3 Meena Kanherkar, whose statement is belatedly recorded more than one month and twenty five days after the incident, admits that the deceased was treated by Dr. Deshmukh for mental disorder. Even PW-1 Satish admits that 15 to 20 days after the marriage the deceased was treated by Doctor Shrikant Deshmukh and she was admitted in the hospital.

6. The final nail in the coffin of the prosecution is the admission by the investigation officer that PW-1 Satish had lodged the first report on 05-04-2012 admitting that

each of his sisters was happily married. Pertinently, the report on the basis of which the offence is registered as FIR 183, is dated 23-4-2012. The printed FIR discloses that information is received on 23-4-2012. Irresistible inference is that the first report dated 05-04-2012, belated as even that the report is, was suppressed.

7. The judgment and order of acquittal suffers from no infirmity whatsoever. No case is made out for interfering in the judgment and order of acquittal.

8. The application is without substance and is rejected.

JUDGE