

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.343 OF 2005

Baban s/o Dhondiba Jadhav,
Age-55 years, Occu:Agri.,
R/o-Kothe Budruk, Tq-Sangamner,
Dist-Ahmednagar.

...APPLICANT

VERSUS

- 1) Radhabai w/o Tukaram Jadhav,
Age-24 years, Occu:Household,
R/o-Chitalwedhe, Tq-Akole,
Dist-Ahmednagar,
- 2) Govind Maruti Arote,
Age-70 years, Occu:Agri.,
R/o-Chitalwedhe, Tq-Akole,
Dist-Ahmednagar,
- 3) Sitabai w/o Govind Arote,
Age-62 years, Occu:Household,
R/o-Chitalwedhe, Tq-Akole,
Dist-Ahmednagar,
- 4) Navnath s/o Govind Arote,
Age-30 years, Occu:Agri.,
R/o-Chitalwedhe, Tq-Akole,
Dist-Ahmednagar,

- 5) Ramnath s/o Govind Arote,
Age-28 years, Occu:Agri.,
R/o-Chitalwedhe, Tq-Akole,
Dist-Ahmednagar,
- 6) Raosaheb s/o Keru Navale,
Age-42 years, Occu:Agri.,
R/o-Padalne, Tq-Akole,
Dist-Ahmednagar,
- 7) Bhausahab s/o Keru Nawale,
Age-45 years, Occu:Business,
R/o-Mumbai,
- 8) Dagadu s/o Keru Nawale,
Age-49 years, Occu:Agri.,
R/o-Padalne, Tq-Akole,
Dist-Ahmednagar,
- 9) Machchindra Keru Nawale,
Age-35 years, Occu:Agri.,
R/o-Padalne, Tq-Akole,
Dist-Ahmednagar,
- 10) Gavram Keru Nawale,
Age-55 years, Occu:Agri.,
R/o-Padalne, Tq-Akole,
Dist-Ahmednagar,
- 11) Dattatraya Dagadu Nawale,
Age-26 years, Occu:Agri.,
R/o-Padalne, Tq-Akole,
Dist-Ahmednagar,
- 12) Rajendra Dagadu Nawale,
Age-23 years, Occu:Agri.,
R/o-Padalne, Tq-Akole,
Dist-Ahmednagar,

13) Balasaheb Gavram Nawale,
Age-28 years, Occu:Agri.,
R/o-Padalne, Tq-Akole,
Dist-Ahmednagar,

14) The State of Maharashtra.

...RESPONDENTS

...

Mr. V.R. Dhorde Advocate for Applicant.
Mr. S.T. Shelke Advocate for Respondent
Nos.1 to 13.
Mr. A.P. Basarkar, A.P.P. for Respondent
No.14-State.

...

CORAM: V.M. DESHPANDE, J.

DATE : 8TH APRIL, 2019

ORAL JUDGMENT :

1. Heard Shri Vikram Dhorde, the learned counsel for the Applicant, who strenuously urged before this Court for reversal of the Judgment and order of acquittal passed by learned Additional Sessions Judge, Sangamner, dated 23rd September, 2005, in Sessions Case No.24 of 2003, thereby the Court below acquitted Respondent Nos.1 to 13 for the offence punishable under Section 306, 323, 504

and 506 read with Section 34 of the Indian Penal Code.

2. On the other hand Shri S.T. Shelke, the learned counsel for Respondent Nos.1 to 13 supported the Judgment and order of acquittal.

3. Tukaram, the deceased was husband of Respondent No.1. Respondent Nos.2 to 13 are the in-laws of deceased Tukaram.

4. In short the prosecution case, as it could be seen from the evidence of Baban, the complainant, is that after the marriage Tukaram and Respondent No.1 – Radhabai, resided with him for about one year. Thereafter they migrated to Akole and stayed there for about a year prior to the occurrence of the incident. According to the prosecution, the father-in-law and brother-in-law of Tukaram obtained loan amount of Rs.80,000/- and

when Tukaram started insisting for repayment of the loan amount, they started harassing him. Even when Tukaram sent his wife Radhabai for bringing back the amount, his in-laws neither sent her back nor repaid the amount. Thereafter, Tukaram started residing alone at Aurangpur. According to the prosecution, on 27th March, 2003, accused persons assaulted on him when Tukaram insisted for repayment of the loan amount, resulting into their arrest. According to the prosecution, lastly on 23rd April, 2003, in a common marriage ceremony at village Chaitanyapur, when Tukaram insisted Respondent No.1 Radhabai for resuming cohabitation, she insulted him. Thereafter Tukaram went in the field and poured petrol on his person and set himself ablaze. Initially, A.D. No.26 of 2003 was registered. On the basis of the complaint lodged by the present Applicant, father of the deceased, crime was registered under Section 306 read with Section 34 of the Indian Penal Code.

5. There is no dispute about the fact that the deceased Tukaram committed suicide. Question is, whether Respondent Nos.1 to 13 could be termed as an 'abettor' within the meaning of Section 108 of the Indian Penal Code.

6. By now, the law in respect of offence punishable under Section 306 of the Indian Penal Code is well crystallized. According to the prosecution, on the date of incident, the deceased insisted Radhabai that she should cohabit with him and the said was refused by Radhabai. Resultantly, he immediately went in the field and poured petrol on himself. This particular act, in my view, cannot be termed as an abetment. Insofar as earlier incident is concerned, there is no live link between the earlier incident and the date and time of committing suicide.

7. After the acquittal, the State did not prefer any appeal against the acquittal. The Revision is filed by the complainant. The scope of the Revision is too limited. Unless perversity is shown, this Court will not exercise its revisional jurisdiction to upset the finding of fact. After hearing the learned counsel for the Applicant and after perusing the impugned Judgment, I am of the opinion that no perversity is crept in the impugned Judgment, warranting interference by this Court. Hence the Revision Application is dismissed. Rule is discharged.

[V.M. DESHPANDE, J.]