

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1548 OF 2019

Ajinkya Shankarrao Kartik] Applicant

Versus

The State of Maharashtra] Respondent

Mr. S.A. Ingawale, for the Applicant.

.....

Ms. Veera Shinde, A.P.P for the Respondent - State.

.....

CORAM : REVATI MOHITE DERE, J.

DATE : 13TH NOVEMBER, 2019.

P.C. :

Heard learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith with the consent of the parties and the aforesaid Application is taken up for final disposal. Learned A.P.P waives service on behalf of the respondent-State.

3. By this application, the applicant has impugned the order dated 16th February, 2019 passed by the learned J.M.F.C, Kolhapur below Exhibit 19 in R.C.C. No.231 of 2018, by which the learned Magistrate was pleased to reject the applicant's application for discharge

as well as the order dated 3rd October, 2019 passed by the learned Additional Sessions Judge, Kolhapur in Criminal Revision Application No.46 of 2019 rejecting the said application and thereby confirming the order of the learned J.M.F.C.

4. The applicant is the brother-in-law of the complainant-Dr. Sharvari Kartik. According to the prosecution, the complainant- Dr. Sharvari Kartik got married to the applicant's brother on 22nd April, 2014. According to the prosecution, after marriage Dr. Sharvari went to reside at Kolhapur for a few days and thereafter moved to Indore with her husband who was working as a Deputy Manager in the State Bank of India. The prosecution has alleged that during the time when Dr. Sharvari Kartik was residing at Kolhapur at her matrimonial home, the applicant-her brother-in-law was allegedly moving in the house in short pants. This is the only allegation made by the complainant as against the applicant.

5. Perused the charge-sheet with the assistance of the learned Counsel for the applicant and the learned A.P.P for the respondent-State. As noted above, there are no allegations as against the applicant in respect of dowry demand or any ill treatment, except an omnibus statement made against all the accused of ill treatment. The only specific allegation made against the present applicant is that he used to move in the house in short pants.

6. Learned A.P.P does not dispute the fact that this is the only specific allegation as against the applicant.

7. The material as it stands is not sufficient to constitute the alleged offences. There being no sufficient material/ground to proceed against the applicant, the impugned order dated 16th February, 2019 passed by the learned J.M.F.C, Kolhapur below Exhibit 19 in R.C.C. No.231 of 2018 and the order dated 3rd October, 2019 passed by the learned Additional Sessions Judge, Kolhapur in Criminal Revision Application No.46 of 2019 are quashed and set aside and the applicant is discharged from the said case, being R.C.C No.231 of 2018.

8. Rule is made absolute in the aforesaid terms.

9. All concerned to act upon the authenticated copy of this order.

[REVATI MOHITE DERE, J.]