IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 145 OF 2017

The State of Maharashtra .....Applicant

Vs.

Mr. Shilishidh Malashidhha Jakate & Ors. ....Respondents.

Mr. J.P. Yagnik, APP for the Applicant.
Mr. Ritesh Thobde a/w Mr. Sagar Tambe for the Respondents.

CORAM : A. S. OKA, AND
A. S. GADKARI, JJ.
DATE : 24th JANUARY, 2019.

P.C.:-

The state has sought leave to prefer an appeal under Section 378 (3) of the Code of Criminal Procedure against the Judgment and Order dated 14th August, 2017 passed by the learned Additional Sessions Judge, Solapur in Sessions Case No.288 of 2016, acquitting the Respondents from the offences punishable under Sections 498-A, 306, 304 (B), 323, 504 and 506 read with Section 34 of the Indian Penal Code.

2 Heard the learned APP and perused the entire record.

3 The marriage of the deceased Smt. Pooja was solemnized with Respondent No.1 on 19th May, 2014 at the house of the

Respondents. The Respondent Nos. 2 and 3 are the father and mother of Respondent No.1. It is the case of the prosecution that, the Respondents used to demand a four wheeler vehicle as and by way of dowry from the parents of Smt. Pooja (deceased) and in furtherance thereof, caused cruelty to her. The deceased could not bear the constant cruelty and harassment at the hands of Respondents and therefore on 15th August, 2015 she consumed pesticide used for agricultural purpose and committed suicide. Smt. Pooja was declared dead by the doctors attached to the Rural Hospital Mandrup, District Solapur, when she was brought there.

4 It is the defence of the Respondents that, the marriage of Smt. Pooja (deceased) was performed with Respondent No.1 against her will by her parents. That, Ms. Pooja was having love affair with another boy and she was not happy with the marriage with Respondent No.1. However, due to pressure exerted by her parents, her marriage was performed with the Respondent No.1. The Respondents, in support of their defence, have brought on record medical documents (Exhibit-77, collectively) showing that on 3rd April, 2014 i.e. approximately one month prior to the date of her marriage with Respondent No.1, Ms. Pooja had attempted to commit suicide by

consuming poison and therefore, she was admitted in Shiv Santoshi Hospital, situated at Budhwar Peth, Pune Road, Solapur.

5 The Respondents while denying the charge, have also brought on record that prior to 15th August, 2015, Smt. Pooja with a view to commit suicide was proceeding to a well however, Mr. Manohar Narote, (P.W. No. 3) dissuaded her from doing so. In this background, Ms. Pooja committed suicide by consuming pesticide on 15th August, 2015.

6 The evidence on record indicates that, there is substance in the defence adopted by the Respondents, which has been accepted by the Trial Court. The Respondents are successful in establishing their defence by leading sufficient and cogent evidence in that behalf.

7 After perusing the entire evidence on record, we are 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.

No case for grant of leave is made out. Application is accordingly rejected.

(A.S. GADKARI, J.) **(A.S. OKA, J.)**