

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.94 OF 2003

State of Maharashtra

.... Appellant
(Ori. Complainant)

Vs.

- 1 Sanjay Ramchandra Katkar
- 2 Ramchandra Dattatray Katkar
- 3 Sou Sunanda Ramchandra Katkar
- 4 Kum. Gayatri Ramchandra Katkar
- All R/o Erendoli

- 5 Laxmikant Ramchandra Katkar
R/at 1 to 5, Ashadip Shastri Nagar,
Mumbai-Pune Road, At post Khopoli,
Tal. Khalapur, Dist. Raigad.

- 6 Sou. Suman Ramchandra Irale
R/at House No.4, Gavali Galli,
Pethbaug 1, Near Ganapati Temple,
Near Post Office, Sangli,
District Sangli.

- 7 Sou. Asha Pradip Karekar
Pune

.... Respondents

- 8 Pradip Karekar

... Respondent
(Deleted as per order
dated 26/8/2013)

Ms. Pallavi Dabholkar APP for State.

Mr. S.M. Shettigar for Respondent nos. 1 to 8.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 11th April 2019

JUDGMENT :

1 Heard the respective counsel.

2 The State challenges the judgment and order dated 21st September 2002 passed by the Judicial Magistrate, First Class, Miraj thereby acquitting accused/respondent nos. 1 to 8 herein of the offence punishable under Section 498-A read with 34 of Indian Penal Code in Regular Criminal Case No. 45 of 2000.

3 The appeal was admitted and there was action under Section 390 of Code of Criminal Procedure.

4 Perused the evidence. More particularly the evidence of PW-1 i.e. the complainant, Sou. Swati w/o Sanjay Katkar, who happens to be the wife of respondent no.1. It was the case of prosecution that the complainant was married to respondent no.1 on

11th June 1998. On 8th December 1999, wife of respondent no.1 lodged a report at Miraj Rural police station alleging therein that after marriage, the complainant was residing in a joint family. The original accused no.7 was married to accused no.8 prior to her marriage. That she was being harassed by her in-laws on the ground that the relatives were not honoured properly at the betrothal ceremony. She was also being harassed on account of insufficient dowry. According to the complainant, she was made to carry out domestic chores as if she was the maid servant in the house. Accused Nos. 3, 4, 5 and 6 did not allow her to accompany her husband or to talk to him and they objected to their association. That she was harassed by her husband on the ground that she was of a short stature and was not good looking. Accused no.8 was for coercing her to withdraw herself from the society of her husband. She has narrated all the incidents that had taken place in her matrimonial house soon after her marriage. She had written letters to that effect to her parents.

5 On the basis of the report, Crime No.163 of 1999 was registered at Miraj Gramin police station. The charge-sheet was filed against the accused for the offence punishable under Sections 498-A, 323, 504, 506 read with 34 of Indian Penal Code. The complainant has deposed in consonance with the F.I.R. She has proved the letters written by her. There were inherent omissions and contradictions in the evidence.

6 The learned Judge, upon appreciating the evidence has observed that the complainant had made several improvements in her evidence, thereby arraigning all the members of the family as an accused. She had alleged that all the accused had assaulted her with half burnt wood. The learned Judge had taken note of all the inconsistencies in the evidence of the complainant. **The learned Judge has also considered the evidence of PSI, Sanjay Nikam,** who has deposed that on 1st December 1999 at night there was no material to indicate as to whether the complainant had been to Miraj Gramin police station and that they were referred to civil hospital Miraj for treatment alongwith police yadi. Despite that Dr. Patil has

deposed that he had examined injured as per the police yadi, but it was the case of the police that they had given her a Referral letter. The medical certificate would indicate that all the injuries were caused by hard and blunt object and therefore, the story of having been assaulted with half burnt wood did not inspire confidence of the Court. According to the learned Sessions Judge, the allegations are omnibus in nature and do not inspire confidence of the Court. There is an improvement that the in-laws and her husband did not wish that she should conceive pregnancy since they had one unmarried daughter in their house.

7 Be that as it may, as on today the learned counsel for the respondents submits that the complainant and the respondents have parted ways peacefully. That they are divorced and have no grievance against each other. It is submitted that the complainant and the respondents are living a peaceful life. In view of above discussion, appeal being sans-merits stands dismissed. Hence, the following order:

ORDER

- (i) The appeal stands dismissed.
- (ii) Bail bonds of the respondents stand cancelled.
- (iii) Fine amount if paid be refunded to the respondents, as per rule.

(*Smt. Sadhana S. Jadhav, J*)