

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.559 OF 2003

The State of Maharashtra)....Appellant

V/s.

Thakubai Tukaram Gavali)....Respondent

Ms.Anamika Malhotra APP for the appellant/State.

Mr.Rushikesh Kale i/by Mr.V.V.Purwant for respondent.

CORAM : K.R.SHRIRAM,J

DATE : 9.12.2019

P.C.:-

1. This is an appeal filed by the State of Maharashtra under Section 378(1) of the Code of Criminal Procedure 1973 impugning an order of acquittal passed by II Adhoc Assistant Sessions Judge, Solapur on 16.1.2003.

2. Ms.Malhotra learned APP as an officer of this Court says that the appeal has no merits. Learned APP states that respondent who was the mother-in-law of the deceased is the only accused and there are two dying declarations and in both the dying declarations which are identical, no allegations were made against mother-in-law. Learned APP states that even in the dying declarations there is no

mention of demand of dowry and the Court acquitted accused on the ground that the witnesses, primarily father of deceased, improved his case by mentioning for the first time that there was a demand for dowry. Learned APP also states that prosecution has not proved any abetment or cruelty and therefore, the Court can dismiss the appeal without spending judicial time.

3. In view thereof, appeal dismissed.

(K.R.SHRIRAM,J)