

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 49 OF 2019**

The State of Maharashtra

.....Applicant

Vs.

Pundalik Baban Gole & Ors.

....Respondents.

Ms. M.H. Mhatre, APP for the Applicant.

Mr. Balwant V. Salunkhe, for the Respondents.

**CORAM : A. S. OKA, AND
A. S. GADKARI, JJ.**

DATE : 18th FEBRUARY, 2019.

P.C.:-

The Applicant, State has sought leave of this Court under Section 378(3) of the Code of Criminal Procedure, 1973 for filing an Appeal against the Judgment and Order dated 15th October, 2015 passed by the learned Additional Sessions Judge, Kalyan in Sessions Case No. 205 of 2002 acquitting the Respondents for the offences punishable under Section 498(A), 304(B) read with Section 34 of the Indian Penal Code.

2 Heard the learned APP and the learned counsel for the Respondents. Perused the record, including the notes of evidence.

3 The Respondent No.1 is the husband, the Respondent No.2 is brother in law and the Respondent No.3 is the father-in-law of the

deceased Smt. Jayashri.

It is the prosecution case that, the marriage of Smt. Jayashri was solemnized with the Respondent No.1 Pundlik Gole on 25th April, 2001 at Village Shelvali, Taluka Shahapur, District Thane and thereafter, Smt. Jayashri started co-habiting with the Respondent No.1 at village Kudas. It is the further prosecution case that, the Respondents used to demand a chain made of a gold metal from Smt. Jayashri towards dowry and as the parents of Smt. Jayashri were unable to fulfill the said demand, the Respondents caused cruelty and undue harassment to her. It is alleged that, due to the constant harassment and cruelty meted out to Smt. Jayashri, on 30th May, 2002 or just prior thereto, Smt. Jayashri committed suicide by consuming poison.

4 The prosecution examined in all 9 witnesses in support of its case. The evidence on record indicates that, after the said marriage when Smt. Jayashri started co-habiting at her matrimonial house, she was the elder daughter-in-law in the family and was under the obligation to perform entire household work. She was also required to do the agricultural work. The younger brother of Respondent No.1, was an insane person and his complete responsibility was on the

Respondent No.1 and Smt. Jayashri. It appears from the evidence on record that, Smt. Jayashri could not adjust herself with the overburdened household responsibility. She made complaints with her parents regarding it. However, her parents after giving a words of advice to her, sent her back to her matrimonial house on 3 to 4 occasions. The evidence further indicates that, Smt. Jayashri was not comfortable in her matrimonial house and out of the said mental agony, she committed suicide.

It appears from the evidence adduced by the prosecution witnesses that the brother of Smt. Jayashri had found one chit written by Smt. Jayashri to her friend Mrs. Reshma mentioning therein the adverse condition at her matrimonial house.

5 After perusing the entire evidence available on record, this Court is 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 to prefer an Appeal is made out.

Application is accordingly rejected.

(A.S. GADKARI, J.)

(A.S. OKA, J.)