

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 69 OF 2019

The State of Maharashtra. ... Applicant.
V/s.
1. Ganesh Moreshwar Patil.
2. Shalini Ganesh Patil. ... Respondents.

Mr.J.P.Yagnik, APP for the applicant- State.
Mrs. Pooja Sejpal with Ms.Akshata Desai i/b. Mr.Nitin Sejpal
for the respondents.

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

DATE : 28th February 2019.

P.C. :

The State has sought leave under section 378(3) of the Code of Criminal Procedure, 1973 to file appeal against the judgment and order dated 2nd January 2016 passed by the learned Additional Sessions Judge, Raigad-Alibag in Sessions Case No.74/2013 acquitting the respondents (original accused Nos.2 and 3) from the offences punishable under section 302, 201 and 498-A read with section 34 of the Indian Penal Code (for short "IPC").

By the impugned judgment and order, the original accused No.1- Umesh Ganesh Patil, the husband of deceased Smt.Chaitali has been

convicted for the offences punishable under sections 302, 201 and 498-A of IPC and sentenced to suffer imprisonment for life.

2. Heard the learned APP for the applicant- State and the learned counsel for the respondents. Perused the record including notes of evidence.

3. The deceased Smt.Chaitali was the wife of accused No.1- Umesh Patil. It is the case of the prosecution that Umesh Patil was addicted to liquor and used to harass his wife Chaitali and demand money from her for fulfillment of his vices. That on 1st March 2013 in the wee hours i.e. between 1.00 and 1.15 am, the respondent No.2 had been to the house of parents of Smt.Chaitali in search of her. She told P.W.2- Chaitnya Mhatre, the brother of the deceased, that due to quarrel between Chaitali and her husband, she left the matrimonial home and, therefore, the respondent No.2 (original accused No.3) had come to their place in search of her. After a gap of 10 to 15 minutes, respondent No.2 again went to the house of P.W.2 and asked them to come along with her and pointed out the place where Chaitali and her daughter Arya were lying dead.

This is the only circumstance against respondent No.2 (original accused No.3) propounded by the prosecution. It appears to us

that when the respondent No.2 got knowledge about the alleged assault and the crime committed by the original accused No.1- Umesh Patil, she went to the house of the parents of Chaitali and took them along with her to point out the place of incidence. As far as respondent No.1 (original accused No.2) is concerned, there is not even an iota of legally admissible evidence available on record.

4. After perusing the entire evidence available on record, we are of the considered 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 is made out for grant of leave.

A application is, accordingly, rejected.

(A.S.GADKARI, J.)

(A.S.OKA, J.)