

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

CRIMINAL REVISION APPLICATION NO.408 OF 2018

Shobha Babasaheb Sonawane & anr. ... Applicants

Vs.

The State of Maharashtra & anr. ... Respondents

Mr.A.U. Nikam i/b Aashish Satpute for the Applicants
Ms.Veera Shinde, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 22, 2019

P.C.:

1. This revision application, filed by the applicants, who are the mother in law and the husband of the deceased Mangal, is directed against the order dated 5.7.2018 by the learned District & Sessions Judge, Solapur, rejecting the discharge application filed by the applicants/accused in Sessions Case No.9 of 2017 arising out of FIR No.154 of 2015 registered with Mohol police station, Solapur. The applicants/accused are facing charges under sections 498A, 323, 509, 504B r/w 34 of the Indian Penal Code. The marriage of the deceased and the applicant/husband took place on 8.5.2014 and she died on 23.4.2015 i.e., within one year

from the date of the marriage.

2. It is the case of the prosecution that after the marriage, when she was residing with the applicants, she was harassed, tortured mentally as well as physically on account of various reasons. There was a demand of money from the deceased by the applicants. So also, they used to assault her for not bringing money and not doing the househod work properly. On 5.4.2015, the complainant, the father of the deceased, on receipt of information that Mangal had been brutally assaulted, she was brought to her maiden house and was admitted for treatment. However, she died on 23.4.2015.

3. The learned Counsel for the applicants/accused has submitted that there is no evidence against the applicants/accused muchless no evidence under section 304B of the Indian Penal Code. He submitted that no injury certificate is produced by the prosecution. In the postmortem report, there is no mention of any external or internal injury. In the absence of such proof of his assault, it cannot be said that she died due to the assault or beating. He further submitted that there is no evidence to show that before her death, there was a demand of dowry or money by

the applicants/accused. Thus, the ingredients of section 304B of the Indian Penal Code are not seen in the evidence before the Court and especially, in the statements of the witnesses and, therefore, he prays for discharge of the accused specifically from section 304B of the Indian Penal Code.

4. Learned Prosecutor while opposing this application has relied on the statements of the complainant i.e., the father of the deceased, namely, Sanjay Hari Athavle, Sangeeta Suresh Gaikwad and Sangeeta S. Bansode and has submitted that these witnesses have stated that on 5.4.2015, Mangal was brutally assaulted by the applicants/accused. She died due to the cruel behaviour of the applicants/accused and, therefore, she supported the order of the learned Sessions Judge.

5. Perused the record, the statements of the witnesses and considered the submissions of the learned Prosecutor as also the learned Counsel for the accused. After going through this, I am of the opinion that prima facie, there is evidence to frame charges under the relevant sections. Hence, this application is rejected.

(MRIDULA BHATKAR, J.)