

Anand

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

CRIMINAL APPLICATION NO. 1196 OF 2016

Janardan Yellayya Mittapally & anr. .Applicants

Vs.

The State of Maharashtra & anr. .Respondents

Ms Ratna Jaiswal, Advocate, for the Applicants
Mr. A. R. Patil, APP, for the Respondents – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.11.2019

P. C.

. Heard learned counsel for the parties.

2. By this Application preferred under Section 482 of the Code of Criminal Procedure, the Applicants have impugned the order dated 14.07.2014, by which the learned Additional Sessions Judge, Greater Mumbai, framed charge as against the Applicants for the alleged offences punishable under Sections 498A, 304B & 302 of the Indian Penal Code as well as the order dated 15.10.2015, by which the Applicants' discharge Application (Exh. 11 filed in S. C. No. 385 of 2015) was rejected.

3. Perused the papers. On 21.01.2014, deceased – Harika allegedly committed suicide after pouring kerosene on her person and setting herself ablaze. Deceased – Harika expired on 24.01.2014.

Initially, Harika's father – Vireshyam Mallaya Karampuri lodged a Complaint / FIR as against the Applicants alleging an offence punishable under Section 498A on 21.01.2014, however, subsequently, after the Complainant's supplementary statement was recorded, Sections 304B & 302 were added.

4. According to the learned counsel for the Applicants, the allegations made in the complaint i. e. demand for money for the daughter would not constitute an offence punishable under Section 304B of the Indian Penal Code. A perusal of the supplementary statement of deceased – Harika's brother shows that Harika was being treated with cruelty and that there was continuous demand of money being made by the Applicants. The learned Judge after considering the material on record has rightly rejected the Application for discharge preferred by the Applicants. No infirmity can be found in the said order. Even otherwise, charge has been framed as against the Applicants in July, 2014 and as such the trial can be said to have commenced.

5. Considering the aforesaid, no ground is made out for interference in the impugned order. Accordingly, the Application is dismissed. Since the case is of the year 2014, the trial of the Applicants is expedited. The learned Judge to conclude the case as expeditiously as possible and in any event within a period of nine months from the date of receipt of this order.

6. Registry to communicate the said order to the learned Sessions Judge, hearing S. C. No. 385 of 2015.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)