

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [APPA] NO.156 OF 2016

[The State of Maharashtra .vs. Harshwardhan s/o Prakashchandra Chaturvedi and others]

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Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

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Shri M.J. Khan, APP for Appellant-State,
Shri A.C. Jaltare, Advocate for respondents-accused.

CORAM : MRS. SWAPNA JOSHI, J.

DATED : MARCH 15, 2019.

The appellant-State has sought leave to file appeal against the judgment and order dated 30.9.2015 delivered by the learned Ad-hoc District Judge-4 and Additional Sessions Judge, Nagpur in Sessions Trial No.62/2012, thereby acquitting the accused/respondents of the offences punishable under Sections 308, 406, 420, 498-A r/w Section 34 of the Indian Penal Code and Section 3 & 4 of the Dowry Prohibition Act read with Section 3 of the Protection of Women from Domestic Violence Act, 2005.

Heard the learned APP for the appellant-State and the learned advocate for the respondents-accused. Perused the application.

It is submitted by learned APP that the allegations against the accused are that accused no.1 was suffering from AIDS which was transmitted to daughter of complainant, who was wife of accused no.1 and due to the said disease, she died. It is further submitted that there were other allegations that the deceased was ill-treated by the accused persons, so also there was demand of dowry. It is contended that although accused no.1 was aware of the fact that he was suffering from the said disease, he did not disclose

about the said disease to his wife and ultimately the said disease was transmitted to her and she died of the said disease.

Learned advocate for the respondents-accused opposed the said application for grant of leave and contended that no doubt accused no.1 is suffering from the said disease, however, it is also possible that the said disease might have been transmitted from his wife to him.

In any case there is word against word and it is necessary to go into the merits of the case. I have considered the ground of challenge mentioned in the appeal and I am satisfied that a case is made out for grant of leave. In view thereof, leave is granted. Appeal be registered. Criminal Application stands disposed of.

CRIMINAL APPEAL NO. /2019

Heard.

Admit.

Call record and proceedings.

Shri A.C. Jaltare, learned advocate waives notice on behalf of the respondents-accused.

JUDGE