

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

CRIMINAL APPLICATION (APPA) NO.932/2019

IN

CRIMINAL APPEAL NO...../2020

State of Maharashtra, thr. PSO PS Dattapur, Taluka Dhamangaon – Rly.
District Amravati

..VS..

Ajay Ganesh Wankhade and anr

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

Court's or Judge's Order

.....
Shri M.J.Khan, Addl.P.P. for the Applicant/State.

CORAM : V.M.DESHPANDE, J.

DATED : JANUARY 08, 2020.

1. This is an application by the State of Maharashtra seeking leave to file an appeal against judgment and order dated 18.7.2019 passed by learned Assistant Sessions Judge, Amravati in Sessions Trial Case No.19/2018 acquitting non-applicants of offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

2. Heard learned Additional Public Prosecutor Shri M.J.Khan for the applicant/State. Also, perused copies of depositions and the judgment and order impugned in this matter.

3. Deceased is Vanita. Non-applicant No.1-Ajay is

her nephew. Whereas, non-applicant No.2-Raju is cousin of her husband. She lost her husband in the year 2016. She was residing at Shahapur. After some period, Ajay came and started residing at her house jointly for some period. Thereafter, Ajay started residing separately in a room near hut of Vanita. According to the prosecution, Ajay and Raju were intending to get title over the hut of Vanita in their favour and for that they used to torture her and ultimately on 23.8.2017 Vanita poured kerosene on herself in which she died. During trial, the prosecution examined in all 11 witnesses and also relied upon various documents. Learned Judge of the Court below acquitted Ajay and Raju.

4. By now, the law in respect of interference by Appellate Court in an appeal against acquittal is well crystallized. Merely because another view is possible, that by itself is not sufficient to substitute Appellate Court's view in place of view taken by learned Judge of Trial Court.

5. Learned Judge of the Court below has considered each and every evidence brought on record by the prosecution and rightly observed in judgment and order impugned in his matter that except motive there is nothing to show that there was any instigation or abetment on the part of non-applicants that Vanita should commit suicide.

6. In this view of the matter, I am of the opinion that judgment and order of acquittal impugned in this matter need not be interfered with. Consequently, the

application is rejected. Leave to file appeal is refused.

The criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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