

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

CRIMINAL APPLICATION (ABA) 839 OF 2019

(Kewal s/o Parumal Sawlani and another ..vs.. State of Maharashtra, through PSO, P.S. Lakadganj, Nagpur.)

WITH
CRIMINAL APPLICATION (ABA) 840 OF 2019

(Akash s/o Kewal Sawlani ..vs.. State of Maharashtra, through PSO, P.S. Lakadganj, Nagpur.)

WITH
CRIMINAL APPLICATION (ABA) 841 OF 2019

(Smt. Rinku w/o Adesh Gupta and another ..vs.. State of Maharashtra, through PSO, P.S. Lakadganj, Nagpur.)

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

Court's or Judge's orders.

Shri Shyam Dewani, counsel for applicants.
Shri M.J. Khan, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE : 20.02.2020

The applicants are apprehending arrest for the offences punishable under Sections 498-A of the Indian Penal Code and Section 3 of the Dowry Prohibition Act, 1961 pursuant to the First Information Report lodged by Smt Mahima Aakash Sawlani which is registered as Crime 358/2019 at Lakadganj Police Station.

2. Criminal Application 839/2019 is preferred by the parents-in-law, Criminal Application 840/2019 is preferred by the husband and Criminal Application 841/2019 is preferred by the Sister-in-law and her husband,

of the informant wife.

3. The maximum punishment for offence punishable under Section 498-A is 3 years. Similarly, the maximum punishment for offence defined in Section-3 of the Dowry Prohibition Act, which is punishable under Section-4, is 5 years.

4. It appears that there was an attempt at resolving the dispute through Mediation. Unfortunately, the mediation failed.

5. While referring the dispute to Mediation this Court directed the applicants to hand over the articles mentioned at Serial 1 to 9 in the complaint at the first meeting of the Mediation. While the applicants contend that the said order is complied with, the submission is refuted by the wife. The contention of the wife is that while 4 bangles are referred to at Serial 1, only two bangles are handed over by the applicants. The submission of the applicant is that 2 bangle were already with the wife. It is not necessary to express any opinion on the disputed question of fact. The other submission of the wife is that the list in the complaint is not exhaustive and there are other articles which are with the applicants. This submission is refuted by the applicants. Be that as it may, this submission, too, is left open for the appropriate forum to adjudicate in appropriate proceedings.

6. Considering the nature of the allegations, the fact that the custodial interrogation is not necessary and that there is no likelihood of the applicants not being

available for trial, I see no reason not to exercise the discretion in favour of the applicants

7. The applications are allowed.

8. In the event of arrest in Crime 358/2019 for the offences punishable under Sections 498-A of the Indian Penal Code and Section 3 of the Dowry Prohibition Act, 1961, the applicants shall be released on furnishing P.R. bond of Rs. 16,000/- with like surety.

9. The applicants shall attend Police Station, Lakadganj as and when required by the investigating officer and shall cooperate in the investigation.

10. The applicants shall not directly or indirectly attempt to influence the witness.

JUDGE