

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

CRIMINAL APPEAL NO.734 OF 1998

1. Rukmini Pilaji Jadhav
2. Sunita Pilaji Jadhav ... Appellants

Versus

The State of Maharashtra ... Respondent

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Mr. Irfan Shaikh, Advocate (Appointed) for the Appellants.
Mrs. M. M. Deshmukh, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

RESERVED ON : 3rd SEPTEMBER, 2021.

PRONOUNCED ON : 1st OCTOBER, 2021.

JUDGMENT :-

1. This appeal is preferred under Section 374 of Cr.P.C. challenging the conviction imposed vide Judgment and order dated 19th September, 1998 passed by learned Additional Sessions Judge, Satara in Sessions Case No.72 of 1994 convicting the appellants for the offences punishable under Sections 306 & 498-A r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The appellants are original accused Nos. 2 & 3. They are sentenced to undergo rigorous imprisonment for five years and one year for the offences under Sections 306 & 498-A of IPC respectively.

3. The case of the prosecution is that, six years prior to the incident of death of victim Chhaya, she was married to accused No.1 – Dilip Pilaji Jadhav. Accused No.2 – Rukmini Pilaji Jadhav is the mother and accused No.3 Sunita Pilaji Jadhav is the sister of accused No.1. After marriage, victim started cohabiting with accused No.1 at mouje Dahiwadi. The complainant is the uncle of victim. Due to early death of parents of victim, she was looked after by PW-2. Two years after the marriage of Chhaya, she was harassed by accused. They demanded wrist watch and ornaments. Demand could not be fulfilled either by complainant or brother of Chhaya. The accused assaulted victim Chahya and driven her out from matrimonial home. Chhaya was requesting PW-2 to fulfill the demand of accused No.1. She had informed him and PW-5 – Parashram, that on account of demand of wrist watch and ornaments, she was subjected to ill treatment by all the

accused. For non fulfillment of demand of the accused, the harassment and ill treatment to victim Chhaya continued. Four months prior to death of Chhaya on account of demand of wrist watch and ornaments, she was assaulted by accused and driven out of house. The victim went to the house of PW-2 and told him about said incident. Thereafter, she went to PW-5 who promise her that the demand of accused would be fulfilled and sent her to house of the accused at Dahiwadi. On 26th August, 1993, accused No.1 had visited his pan shop. When nobody was around in the house, Chhaya poured kerosene on her body and set her ablaze. Persons passing by the road informed accused No.1 and he rushed to the house. The room from where smoke was coming out was bolted from inside. The door was broke open. The body of Chhaya was lying in burnt condition. Accused No.1 submitted Wardi to Police Station about death of Chhaya. A.D. was registered at Police Station, Dahiwadi. Inquest panchanama was recorded. Spot panchanama was prepared. Plastic can with smell of kerosene, match box, ash of clothes were seized from the spot. Body of victim was referred for post mortem. The medical

opinion was given that the victim had died due to extensive 100% burns and asphyxia, due to inhalation of smoke. After cremation of victim, PW-2 and PW-5 reached at Dahiwadi. Report was lodged at Police Station on 27th August, 1993. The FIR was registered. On completing investigation, charge-sheet was filed for offences under Sections 306 & 498-A r/w Section 34 of IPC.

4. Accused No.1 – Dilip Jadhav died during the pendency of trial. The case was abated against him. Charge was framed against accused Nos. 2 & 3 by order dated 3rd July, 1998 for offence under Sections 498-A r/w Section 34 of IPC and Section 306 r/w Section 34 of IPC.

5. The prosecution has examined six witnesses. PW-1 Achyut Kashinath Tathwadekar is the resident of Dahiwadi. PW-2 – Mahatma Ranappa Mane is the uncle of the victim. He is the complainant. PW-3 Shivaji Baburao Bhingare is the panch witness to the spot panchanama. PW-4 – Ibrahim Abbas Nadaf is the neighbour of PW-2. PW-5 – Parashram Ganpat Mane is the brother of victim. PW-6 – Dattatray Bhujbal was attached to the Police Station as Assistant Sub Inspector. He

conducted investigation.

6. Statements of accused was recorded under Section 313 of Cr.P.C. The defence is that they have been falsely implicated in this case.

7. Learned Advocate Mr. Irfan Shaikh was appointed by the Court to represent the appellants vide order dated 12th August, 2021. He had prepared himself in the matter after going through the paper book and made his submissions in support of the appeal. His submissions can be summarized as follows :-

- i) The prosecution has not examined independent witness to support charge under Sections 306 and 498-A of IPC.
- ii) There is no proximity in the incident of suicide and the alleged ill treatment meted out to the victim.
- iii) The findings of trial Court while convicting the appellants are contrary to evidence on record.
- iv) There is no evidence to convict the accused for offence under Section 498-A of IPC.

v) The prosecution has not established that the accused had abetted suicide.

vi) The son of victim and grand father of accused No.1 were present in the house. They were not examined.

vii) The incident of suicide had occurred after a period of more than seven years from marriage hence, the presumption under Section 113(A) is not attracted. The evidence of witnesses does not inspire confidence.

viii) There were no previous complaints. The allegations in the complaint are after thought.

ix) Accused No.1 rushed to his house after learning about the smoke coming out from his house. He managed to broke open the door with the help of axe and found that the victim died with burn injuries. It is difficult to accept that after a period of more than seven years, the demand of wrist watch and ornaments continued with the victim which had compelled her to commit suicide.

x) PW-1 has not referred to any previous quarrels and presence of accused Nos. 2 & 3 in the house. Version of

PW-2 is doubtful. He do not remember date of marriage. His evidence suffers from omission.

xi) PW-3 do not know who was staying with accused No.1 and victim. PW-4 has stated that victim was married ten years ago. PW-5 has deposed that marriage was performed 5 to 6 years ago. His evidence is contradictory to PW-2. PW-6 recorded statements of only witnesses who were parental relatives of victim.

xii) The prosecution has failed to establish charge under Section 498-A and 306 of IPC. The prosecution examined interested witnesses and no independent witnesses was examined. The findings of trial Court are contrary to evidence on record.

xiii) The allegations about cruelty are vague. The presumption under Section 113(A) of Evidence Act cannot be invoked in the present case.

8. Learned APP submitted that the incident in question had occurred within seven years from the date of marriage. The presumption under Section 113(A) can be

invoked against the accused. The evidence of PW-2, PW-5 and PW-4 corroborates the prosecution case that there was continuous ill treatment and harassment to the victim. There was demand of articles from the victim. She was assaulted. She was driven out of matrimonial home. The harassment was to such an extent that the victim had no other option to commit suicide. She was instigated and compelled to commit suicide. The ill treatment of the harassment was non bearable. Specific overt act has been attributed to accused Nos. 2 & 3. The evidence of PW-2, PW-4 & PW-5 is sufficient to convict the appellants. There was physical and mental cruelty. The victim has committed suicide in the house. Learned APP relied on decision of Supreme Court in the case of Praveen Pradhan V/s. State of Uttaranchal 2012 ALL MR (Cri.) (SC) 4124.

9. The accused No.1 was the husband of victim. The accused No.2 is the mother-in-law and accused No.3 is the sister of accused No.1. The incident in question had occurred on 26th August, 1993. The victim had committed suicide by bolting the door from inside. The exact date of performance of marriage of accused No.1 and victim is not spelt out in the

version of witnesses. The accused No.1 was not present in the house at the time of incident. After learning about smoke emitting from his house he rushed to house. The room where the victim had committed suicide was closed from inside. He broke open the door in the presence of people, who had gathered there. The victim had sustained 100% burn injuries. She had poured kerosene on her person and set her ablaze. She succumbed to burn injuries. Accused No.1 forwarded Wardi to the Police Station about the incident. ADR was registered. PW-2 and PW-5 visited the house of the accused. The complaint was lodged with the Police against the accused. FIR was registered. During the trial accused No.1 has expired.

10. PW-1 – Achyut Tatawadekar has stated that he is the resident of Dahiwadi. He knows accused No.1. He knows his house. On 26th July, 1993 while he was returning home from office, he saw smoke coming from the house of accused. The accused was called. The door was latched from outside. Grand-father of accused No.1 told him to open the door of room with the help of axe. The door was latched from inside. Thereafter, two to three blows were given on the door. The

wife of accused No.1 was lying in burnt condition. Water was poured on the her. In the cross examination he deposed that Dilip Jadhav (accused No.1) used to conduct pan stall. It was situated at the distance of about 200 feet from his residence. Mother and sister of accused No.1 used to live with father of accused No.1 at the place of his service. Parents as well as sister of Dilip never lived at Dahiwadi with Dilip.

11. PW-2 Mahatma Ranappa Mane has stated that after the death of parents of victim she was brought up by him. Marriage of victim Chhaya was solemnized with Dilip Jadhav about 8 years ago from date of his deposition. After the marriage victim started residing at Dahiwadi with her husband. Mother-in-law, brother-in-law, and sister-in-law of victim were jointly residing with victim. For a period of about two years Chhaya was treated well, thereafter, the accused ill treated the victim by demanding wrist watch, ornaments and money. She was assaulted by accused Nos.2 & 3. Chhaya had complained about harassment. One month prior to the incident she visited his house and disclosed to him about harassment by accused. She also stated that she is tired of her

life. She told witness to convince her husband by giving him wrist watch and ornaments. He could not fulfill the demand on account of financial weakness. He went to the house of accused and convinced them on two to three occasions. The accused continued to ill treat Chhaya. Two months prior to the incident, Chhaya had been to Vita to the house of her brother Parsaram. He gave silver jodvi to Chhaya. She was sent to the house of accused. He purchased the wrist watch for the husband of Chhaya and handed over the same to her. Chhaya told the witness that her husband, brother-in-law and sister-in-law ill treated her and she was fed up with her life. After residing with him for 8 days she went to house of her brother. On the date of incident he along with Parashram Mane went to the house of accused at Dahiwadi. He went to Police Station and lodged the report. In the cross examination he stated that he is the owner of the house and agricultural property. He has self acquired property. He was residing separately from his brother. He do not recollect the date of marriage of Chhaya. He denied suggestion that after the death of second son of Chhaya she used to suffer from convulsion. Prior to the

incident he did not lodge report to the Police Station against accused. He also denied the suggestion that accused Nos. 2 & 3 never lived at Dahiwadi. He has not stated before the Police that accused used to demand money. He cannot tell the exact date on which Chhaya came to his house on the last occasion. He denied the suggestion that Chhaya never came to his house and never made complaint to him. He had stated to Police that one month prior to the incident of death, Chhaya came to his house and complained him that she is tired of her life. At the time of report he had stated to the Police that Parashram Mane had given wrist watch to Chhaya. He cannot assign any reason as to why these facts are not mentioned in his report. On 27th August, 1993 he did not meet Parashram Mane at Dahiwadi.

12. PW-3 Shivaji Baburao Bhingare had acted as panch witness. According to him he had been to the house of accused Dilip Jadhav at Dahiwadi on 26th August, 1993. Police prepared spot panchanama. Police seized one axe and empty can. He identified the articles. Police prepared panchanama. His signatures were obtained on the panchanama. Baban Pawar had also signed on the panchanama. In the cross

examination he stated that Dilip Jadhav used to conduct Pan Stall. He did not tell who used to live with Dilip Jadhav. The residential premises of Dilip is at the distance of one km. from pan stall.

13. PW-4 Ibrahim Nadaf has deposed that he knows Mahatma Ranappa Mane (PW-2). House of Mane is situated near his house. He has good relations with PW-2. He knows victim Chhaya. 10 years ago, Chhaya was married to Dilip Jadhav. After about three years, Chhaya came to the house of PW-2. On inquiry he was told that the husband of Chhaya is demanding wrist watch and gold ornaments from her. Chhaya told him that on account of demand of wrist watch and ornaments she is ill treated by the accused. She was assaulted by them. In cross examination it was stated that PW-2 is Police Patil of Kaledhone. PW-2 and his nephew Parashram Mane lived separately since several years. Marriage of Chhaya was solemnized in 1993. Property of PW-2 and Parashram is divided between them. He visited Police Station at Dahiwadi. In 1994 he had met Chhaya. He has not stated in his statement that three years after marriage he met Chhaya at

the house of PW-2.

14. PW-5 – Parashram Ganpat Mane is the brother of victim Chhaya. He stated that 5 to 6 years ago before death of Chhaya she was married to Dilip Jadhav. PW-2 had brought up Chhaya and him. After the marriage Chhaya was residing with her husband Dilip, mother-in-law and sister-in-law. Two years after the marriage, the accused started quarreling with Chhaya. She was driven out of house. The accused were demanding gold ornaments and wrist watch. She was assaulted. Chhaya had visited his house at Vita. She had disclosed that the accused are assaulting and quarrelling with her. Five months prior to the incident Chhaya told him that the accused had assaulted her and demanded ornaments and wrist watch. She was ill treated. He gave Silver Jodvi to Chhaya. He also promised that he would give wrist watch after sometime. Chhaya returned to Dahiwadi. She used to visit to house of his uncle. She passed away on 27th August, 1993. Thereafter, on 3rd day he visited Dahiwadi. Chhaya died due to burns. In the cross examination, he stated that since last five to six years he lived at Vita. He has old house and agricultural property at

Kaledhone. He cannot say the exact year in which he visited the house of accused. He had visited house of accused somewhere on 18th September, 1991. He does not know occupation of accused No.1. He never talked with him. Father of accused No.1 was in police service at Daund. Chhaya gave birth two children. Second child (son) was delivered at Dahiwadi. The second child died at Vita when Chhaya came to his house. He do not know whether Chhaya was epileptic. After the death of second son, she was in nervous mood. During lifetime of Chhaya he did not make any complaint with anybody. He cannot tell the exact year in which Chhaya went to the house of uncle. He went to Dahiwadi with PW-2. 5 to 6 villagers had accompanied them to Police Station.

15. PW-6 – Dattatraya Bhujbal was attached to the Police Station as Assistant Police Inspector. Dilip Jadhav (accused No.1) informed the Police about the death of his wife due to burns. A.D.R. No. 16 of 1993 was registered on the basis of information, he recorded Wardi of Dilip Jadhav as per his say and signature was obtained over it. It was marked as Exh.29. On 26th August, 1993 he prepared inquest

panchanama and spot panchanama. On 27th August, 1993 PW-2 lodged the report against accused. C.R. No. 56 of 1993 was registered under Sections 306, 498-A of IPC on 30th August, 1993. Accused was arrested on 29th August, 1993. On completing investigation, charge-sheet was filed. In cross-examination he stated that houses are situated at three sides of house of accused. He recorded statements of only witnesses who are parental relatives of victim. Uncle of deceased was Police Patil. 4 to 5 persons came to Police Station with complainant. Father of accused No.1 was serving in Police Department. PW-2 had not stated before him that one month before death of Chhaya she came to his house. He did not state before him that Parashram had given wrist watch to Chhaya. It was transpired during investigation that Chhaya used to live permanently with accused Dilip.

16. The trial Court has convicted the appellants (accused Nos. 2 & 3) for the offences as stated above. The accused No.1 Dilip Jadhav died during the pendency of trial. The case was abated against him. The defence of the accused is of total denial. After completing the evidence of witnesses

statements of accused Nos. 2 & 3 were recorded under Section 313 of Cr.P.C.

17. I have scrutinized the evidence as above. The deceased Chhaya was married to accused No.1. The exact date of marriage has not been spelt out by any witnesses in the evidence. PW No.2 has stated that the marriage of accused No.1 and deceased Chhaya was performed 8 years ago. PW No.4 Ibrahim Nadaf has deposed that the deceased was married to accused No.1 about 10 years ago. In the cross-examination he stated that the deceased was married to accused No.1 in 1993. PW No.5 Parashram Mane, who is the brother of deceased Chhaya has deposed that Chhaya was married to accused No.1 about 5 to 6 years ago. Thus, the prosecution has not been established the exact date on which the marriage between the deceased Chhaya and accused No.1 was performed. The incident of suicide had occurred on 26th August, 1993. Learned APP has relied upon the presumption under Section 113(A) of the Evidence Act. Section 113A relates to presumption as to abetment of suicide by married women. The said provision states that when the question is

whether the commission of suicide by a women had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of 7 years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, the Court may presume having regard to all the other circumstances of the case, that such suicide had been abetted by her husband or by such relatives of her husband. It is pertinent to note that the date of marriage itself has not established. The witnesses have given different versions as to when the marriage was performed. Apart from that the analysis of evidence would indicate that it falls short to prove the charge that the appellants had subjected the victim to cruelty as defined under Section 498-A of the IPC.

18. PW No.1 Acchut Kashinath Tathwadekar is working as home guard. He is the person, who had seen smoke emitting from the house of the accused. He sent one person to call accused No.1 at the place of incident. Immediately thereafter, accused No.1 came to the spot. He peeped inside the house and noticed that the deceased had

burnt herself. The door was latched from inside. With the aid of axe the door was broke open and accused No.1, PW No.1 & others entered into the premises. The deceased was found in burnt condition. From the evidence of this witness it can be seen that he has referred to presence of grand-father of the accused No.1 in the premises. However, the prosecution has not examined grand-father. It is also pertinent to note that this witness has not referred to presence of accused Nos. 2 & 3 at the place of incident. The defence of the appellants/accused is that they were residing at Daund with the husband of the appellant No.1 as he was serving in Police Department at Daund. PW No.1 has not referred to any previous quarrels between the accused and the deceased, although, he knows accused No.1 for many years.

19. PW No.2 Mahatma Mane is the uncle of deceased. He has stated that the marriage of Chhaya and accused No.1 was solemnized about 8 years ago. He has also stated that all the accused were residing together with deceased at matrimonial home. He further deposed that 2 years after the marriage the accused demanded wrist watch, ornaments and

money. Chhaya had complained to him about the demand of the accused and ill-treatment meted out to her by the accused. According to him one month before Chhaya had told him that the accused are causing harassment to her. About 2 months ago Chhaya had visited the house of her brother Parashram Mane and informed him about the ill-treatment. Parashram Mane had purchased wrist watch and handed over the same to Chhaya. The demand of wrist watch and ornaments had commenced two years after the marriage. It is difficult to believe that the same demand continues for a period of about 5 years thereafter which led the victim to commit suicide. The version of this witness that wrist watch was purchased by Parashram Mane and it was given to the victim is contrary to evidence of PW No.5. This witness did not remember the date of marriage. He admitted that brother of Chhaya stayed separately. He also admitted that he did not file any complaint prior to the incident to police about the harassment caused to the victim by accused. He admitted that father-in-law of Chhaya was serving at Daund. The cross-examination of this witness also reflected that there were omissions in respect to

major version of this witness. The fact that accused demanded money was not reflected in the statement before the police. The version of this witness that one month before the death of Chhaya, she had come to his house and told him that she is tired of her life is not reflected in the statement made before the police. He did not remember the last date on which the victim had come to his house. The complaint was lodged by him after the funeral was over on 27th August, 1993.

20. PW No.3 Shivaji Bhingare is the panch witness for spot. He has referred to the recording of spot panchnama and finding of victim's body, axe and empty can at the place of incident. The panchnama was exhibited in evidence. He has stated that he do not know as to who used to leave with accused No.1.

21. PW No.4 Ibrahim Nadaf is the resident of Kaledhone. He is neighbor of PW No.2. He has stated that victim had married to accused No.1 about 10 years ago. Three years after the marriage, the victim Chhaya had come to the house of PW No.2. She had stated that the accused have demanded wrist watch and gold ornaments. Chhaya had also

told him about the harassment caused to her and the fact that she was assaulted by the accused. He stated that PW No.2 is the Police Patil of village Kaledhone. In the cross-examination he deposed that the marriage of Chhaya was performed in 1993. The version of this witness that three years after the marriage he met Chhaya in the house of PW No.2 was not reflected in the statement before the police and it was proved to be omission. The evidence of this witness is hearsay. He do not know, who was residing with victim Chhaya at the matrimonial home.

22. PW No.5 Parashram Ganpat Mane is the brother of deceased Chhaya. According to him Chhaya was married 5 to 6 years ago. Two years after the marriage accused had quarrelled with her. He deposed that the harassment was caused to Chhaya on account of her uncle had not given gold ornaments and wrist watch in the marriage. She was assaulted and driven out. He told Chhaya that he would give wrist watch. However, his evidence does not corroborate version of PW No.2 that he had purchased wrist watch and handed over the same to deceased Chhaya. He was residing at Vita. He

admitted that he has agricultural property at Kaledhone. He has also stated that second son of victim and accused No.1 had died at Vita when the victim was at his residence. He did not lodge any complaint in the past against the accused about harassment caused to the victim.

23. PW No.6 Dattatrya Bhujbal is the Investigating Officer. He has stated that there are houses on three sides of house of accused. The father of the accused No.1 is in service of police Department. He recorded statements of witnesses who were parental relatives of the deceased. The omissions were proved through the evidence of this witness. He also stated that after receipt of information from accused No.1 A. D. was registered having numbered as 16 of 1993. Wardi of accused No.1 was recorded which was exhibited in evidence as Exh.29. He has not disclosed whether the statement of any of the neighbors of accused were recorded by him during the Course of investigation. From his evidence it is apparent that after the incident, the accused No.1 had immediately given information to the police and A.D. was registered. The Wardi of accused No.1 (Exh.29) mention that the victim was residing

with accused No.1 and the grand-father of accused No.1. It is pertinent to note that after the cross-examination of this witness the prosecution had sought permission to cross-examine him which prayer was declined by the Court. The Court however, questioned him about his version that the victim was permanently residing with accused No.1 is based on what evidence. He stated that the Wardi of accused No.1 recorded by him mentions about the said fact.

24. From the evidence it is apparent that the prosecution has not established charges beyond reasonable doubt that the appellants were residing with accused No.1 and deceased at Dahivadi. It is admitted that the husband of appellant No.1 was in Police Department and he was serving at Daund. None of the neighbours of the accused were examined by the prosecution. The allegations and harassment is not corroborated by the evidence of any independent witnesses. The presence of the appellants at the place of incident itself is doubtful. PW No.1 is the first person who had seen smoke coming out from the house of the accused. On opening the door of house, he went inside. He has not referred

to presence of accused Nos. 2 and 3 at the seen of offence. Although, the grand-father was present in the house, he has not been examined by the prosecution. It is not clear whether statements of grand father was recorded during the course of investigation. Except PW No.2, PW No.4 and PW No.5 none of the witness as referred to the alleged harassment meted out to the victim. The date of marriage is not clearly spelt out. The incident of harassment had begun after the period of two years from the date of marriage. The witnesses have referred to the said incident which had occurred after two years. Thereafter, there is no reference of any incident of harassment being referred to by the witnesses. It is alleged that the demand of wrist watch and ornaments had continued. It is difficult to believe that after a period of about 5 to 6 years the accused would demand the wrist watch and gold ornaments from the victim. It is difficult to invoke the presumption under the Evidence Act. Even assuming that the incident had occurred within a period of 7 years from the date of marriage, there is no cogent evidence to prove that there was demand or harassment caused by the accused to compel the victim to

commit suicide. The evidence of witnesses suffers from omissions and contradictions. There was no previous complaint. The conduct of accused No.1 reflects that immediately after the incident he had reported the incident to the police and Wardi was recorded. On the next date the complainant had visited village Dahivadi and lodged complaint with the police. There is no proximity in the incident of the suicide and the alleged harassment caused to the victim.

25. Learned APP has relied upon the decision of the Apex Court in the case of Pravin Pradhan Vs. State of Uttaranchal (supra). The Apex Court has referred to several decisions which deal with the ingredients to constitute the offence under Section 306 of IPC. The fact of the case in the said decision would defer from the present case. It was observed that instigation has to be gathered from the circumstances of a particular case. No straight jacket formula can be laid down to find out as to whether in a particular case there has been instigation which forced the person to commit suicide. In the present case there is no cogent evidence to

establish that the appellants have caused harassment to the victim to such an extent to compel her to commit suicide. It is necessary to note that the presence of the appellants at the house of accused No.1 has not been established beyond doubt. The defence of the appellants that they were residing with the husband of the appellant No.1 appears to be probable. Apart from that the evidence relating to the cruelty is not established beyond reasonable doubt. In these circumstances the conviction of the accused deserved to be set aside.

26. Hence, I pass the following order :-

ORDER

- (i) Criminal Appeal No. 734 of 1998 is allowed.
- (ii) Judgment and order dated 19th September, 1998 passed by learned Additional Sessions Judge, Satara in Sessions Case No.72 of 1994 convicting the appellants for the offences punishable under Sections 306 & 498-A r/w Section 34 of Indian Penal Code is set aside and the appellants are acquitted of all the charges.
- (iii) Appeal is disposed of accordingly.

(PRAKASH D. NAIK, J.)