

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1554 OF 2003

The State of Maharashtra	}	Appellant (Orig. Complainant)
Versus		
1. Rajendra Srimant Godse, Age : 24 yrs.,	}	Respondents (Orig Accused)
2. Shrimant Vitthal Godse, Age : 55 yrs,		
3. Smt. Shakuntala Shrimant Godse, Age : 50 yrs,		
4. Vijay Shrimant Godse, Age : 21 yrs,		
5. Arun Shrimant Godse, Age : 19 yrs		
All are residing at Nangare Mala, Godse Vasti, Vaduj, Tal : Khatav, Dist. Satara.	}	

Mr. Arfan Sait, APP for Appellant – State.

Mr. Sharad T. Bhosale a/w Sachin D. Mane i/by Dilip Bodake for
Respondents.

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.

DATED : JANUARY 28, 2021.

JUDGMENT (PER PRASANNA B. VARALE, J)

1. Being aggrieved by the judgment and order passed by the learned VIII Assistant Sessions Judge, Satara in Sessions Case No. 06/2001, dated 30.02.2002, whereby respondents herein (Original Accused) was acquitted of the charge for committing offences punishable under Sections 306, 304-B, 498-A read with Section 34 of Indian Penal Code (for short “IPC”), the present Criminal Appeal is preferred by the Appellant – State of Maharashtra.

2. Learned APP submitted that deceased Pramila whose marriage was solemnized with Respondent No. 1 – Rajendra Godse on 07.07.2000 committed suicide within a very short span i.e. 04.10.2000 of her matrimonial life and was subjected to ill-treatment and harassment on account of demand of dowry. Learned APP further submitted that on lodgment of the report at the instance of Mandakini Phadtare (PW 2) mother of deceased the investigation was conducted. The necessary material collected in the process of investigation was submitted to the Court in the form of charge-sheet. The accused persons was subjected to the Trial. Learned APP submitted that though there was a reliable and clinching evidence, the learned Trial Court failed to appreciate the

evidence in its proper perspective and arrived at erroneous conclusion. It was also the submission of learned APP that sequence of events namely, marriage between the deceased and accused, ill-treatment faced by the deceased soon after her marriage and Pramila wife of accused no. 1 committing suicide within a very short span of her matrimonial life are the factors sufficient enough to raise presumption against the accused and this fact is also not appreciated by the Trial Court. Learned APP, thus, prayed for allowing the appeal.

3. Per contra, learned Counsel for Respondents vehemently submitted that merely because the deceased lost her life within a short span of her matrimonial life cannot be an *ipso facto* factor for awarding the conviction to the accused either by discarding the evidence or by non appreciation of evidence. It is the submission of learned Counsel for Respondents that the learned Trial Court had assessed the evidence thoroughly and on proper assessment and appreciation of evidence arrived at conclusion. It is also submitted by learned Counsel for Respondents that there were serious lacuna in the prosecution evidence. The oral evidence of witnesses was full of contradictions and omissions whereas, the Respondents by examining the defence witnesses including

the accused no.1 established that the complaint lodged against the accused itself was an afterthought act with an intention to implicate the accused in false case. Thus, learned Counsel for Respondents prayed for dismissal of appeal.

4. With the assistance of learned Counsel appearing for the respective parties, we have gone through the record.

5. As the initiation and unfolding the case of prosecution is done at the behest of the Mandakini Phadtare (PW 2) of lodgment of complaint, we may refer to Mandakini (PW 2) mother of deceased firstly.

6. Mandakini (PW 2) in her examination-in-chief states about the composition of her family namely, 4 daughters, 1 son and husband. She stated that her husband runs a shop of purifying the silver. She further stated that Pramila was her eldest daughter and her marriage was solemnized with Respondent No. 1 – Rajendra on 07.07.2000 at Hupari. She further stated that at the time of marriage 15 tolas of gold was given to the accused. The marriage expenses to the tune of Rs. 50,000/- were incurred by the parents of Pramila. Certain household articles were also presented to the accused. After marriage, Pramila started residing in her

matrimonial home at Vaduj for cohabitation. As per the custom prevailing, Pramila returned to her parental home on 16th day of marriage. She was accompanied by her in-laws namely, father-in-law, mother-in-law and brother-in-law. Husband of Pramila Rajendra also visited Pramila's parental home, on that occasion gold ring weighing 1.14 tola was presented, clothes were also presented. Mandakini (PW 2) found that Pramila was dissatisfied so Mandakini (PW 2) asked her mother-in-law to permit Pramila to stay in her parental home for about 4 days. She further stated that in-laws of Pramila paid no heed to the request and they took away Pramila along with them. It is further deposed that in-laws of Pramila did not allow her to talk with them. Mandakini (PW 2) further deposed that on Ganpati immersion day she along with her husband visited the matrimonial home of Pramila. At that time Pramila and her husband accused no. 1 were only present in the house. On inquiry to Pramila about her well being Pramila told Mandakini that her mother-in-law complains for not giving a square seat (चौरंग) and rolling pin. Pramila further told Mandakini that her husband, father-in-law and brother-in-law consistently demanding Rs. 25,000/- for garage and on that count they are not providing food to her on time and are teasing and

ill-treating her. She further deposed before the Court that while returning from matrimonial home of Pramila they visited Manisha sister of Mandakini (PW 2). Mandakini (PW 2) further stated that she asked her sister Manisha to keep watch on Pramila as she is ill-treated at the hands of her in-laws. Then the couple proceeded to village Nidhal to see ailing mother of Mandakini and then they returned to Hupari. Mandakini (PW 2) received phone call from Pramila in the afternoon and it was Friday, Pramila told Mandakini that her mother-in-law had asked her to bring 10 kgs of each of festival dishes and further told that her mother-in-law be responded by a telephonic call. Accordingly, on the next day i.e. Saturday Mandakini made a phone call in the evening to mother-in-law of Pramila and told her that due to illness of her husband it will not be possible for them to attend the matrimonial home of Pramila. To which, mother-in-law of Pramila replied that if they did not turn up they would not be able to see face of Pramila. Then on Monday at about 03.30 Pramila made a phone call to Mandakini (PW 2) and she said hello mother while she was weeping. Then the phone call was attended by mother-in-law of Pramila and mother-in-law of Pramila informed to Mandakini that Pramila had not taken food since morning and she should rush there. Accordingly,

Mandakini (PW 2) along with her husband and her sister Parvati resident of Shendra rushed to matrimonial home. Another sister of Mandakini Gajrabai was also accompanied them. Mandakini along with other members reached Pramila's matrimonial home at about 01.00 am in midnight, they found that Pramila was lying on a bed. Her body was covered by a shawl till the neck. After removing the shawl they found ligature mark on the neck of Pramila. Her body had turned blackish. Mandakini (PW 2) further stated that thereafter they went to police station and on her say complaint was recorded and signature of Manadakini was obtained.

7. It would be necessary for us to refer to certain material aspects in cross-examination of Mandakini (PW 2). Mandakini admitted in her cross-examination that Pramila studied up to 10th standard. The elder brother-in-law and his wife residing at Khatval and the name of brother-in-law is Raghunath. She stated in cross-examination that main business at Hupari is purifying silver and at the time of marriage a yadi was prepared referring to the articles / ornaments to be given in the marriage and she stated that as per the yadi 40 grams of gold ornaments were to be given from the bride to party of bridegroom. 20 grams of

Mani Mangalsutra was to be given from the party of bridegroom to the bride. The gave and took place accordingly. Then she stated in the cross-examination that on the 16th day after the marriage accused visited there house by a Jeep. They initially visited the temple of Jyotiba being a family god. Then they visited temple of Mahalaxmi and thereafter at about 01.00 pm they reached at the parental house of Pramila and left it at 04.00 am. A hand written chit was shown to Mandakini (PW 2), Mandakini denied handwriting being of Pramila. She further stated that the family is possessing the notebooks containing handwriting of Pramila and expressed her willingness to produce it. It is also admitted by Mandakini that Pramila was maintaining account books and assured to produce the business account books after two days. Then he admitted in the cross-examination that on the day of Ganpati immersion when the couple visited the Pramila's matrimonial home and stayed there from 03.00 pm to 08.00 pm at that time the accused no. 1 their in the house. Mandakini (PW 2) then admitted that for that entire period when accused no. 1 was in his house and the couple visited matrimonial house of Pramila neither Mandakini nor her husband had any talk with accused. Mandakini then stated in cross-examination that Pramila had

not sent any letter to them. She further deposed that on telephonic information her brother-in-law Raghunath had already arrived in the house of Pramila and at about 02.00 – 02.30 am Mandakini along with Raghunath, her sister proceeded to the police station. Raghunath reported the death of Pramila to police station authorities. Mandakini (PW 2) further stated that along with Raghunath and her sister she was accompanied by Shivaji Bagal, Jayshri Kadam, Bipin Kadam, Chandrakant Phadtare and his brother Ramesh and daughter Vidya have also accompanied her. Mandakini further stated that police recorded statement of all these persons and obtained signatures on their statement. It is very important to note here that in her examination-in-chief itself Mandakini further stated that neither Mandakini nor any other person told demand and ill-treatment to Pramila. Then police accompanied all these persons and reached to the matrimonial home of Pramila, inquest panchnama was drawn and the body of Pramila was sent for postmortem. Thereafter, the dead body was brought to Khatwal and last rites were performed. Mandakini (PW 2) further stated that two golden necklaces, 1 ganthan and ring given to accused and a gold nose ring and one anklet was on the person of Pramila. Mandakini (PW 2) further admits that

there was a meeting between the family members of Pramila and accused. She further denied the suggestions that there was a demand of Rs. 3 lacs as an compensation from accused and the accused declined to fulfill the demands. Perusal of cross-examination further show that though Mandakini assured to the Court in her examination-in-chief that she would produce the note books of Pramila on the next date, when cross-examination resume she stated before the Court that she had not brought any notebook of handwriting of Pramila. An agricultural expenses register was shown to Mandakini (PW 2) to submit that it was the handwriting of Pramila. Then she admitted in the cross-examination that after the marriage Pramila visited Hupari only on one occasion. Then two photographs shown to the witness with a suggestion that photographs of deceased and accused nos. 1, 3 and 5 were taken in a temple at Hupari, Mandakini (PW 2) shown ignorance to those photographs. Then another photograph of deceased Pramila and her husband was shown to witness, she identified that it was photograph of Pramila and her husband and the same was taken in Jyotiba Temple. An omission was brought on record that when deceased Pramila made a phone call to Mandakini at that time she was weeping. She further

admitted that on 16 day after marriage deceased Pramila and accused visited the parental home of Pramila, both of them went out of the house for about an hour to see the town, after their return they took meals and went away.

8. Subhash Yashwant Mane (PW 1) is a panch witness to the place of incident. The rooms in the house were shown to the panch witness by the police and the accused showed them one yellow colour nylon rope, 4-5 hair found stuck to the end of the rope.

By way of suggestion in the cross-examination an attempt was made to show that the witness had not actually visited the place of incident at the time of panchnama and the panchnama was already prepared and his signature was obtained, thereafter these suggestions are denied by this witness. A map is drawn which is exhibited as Exhibit 21.

9. Vidya Ramesh Phadtare (PW 3) is the sister of Pramila. Vidya (PW 3) stated before the Court that on 16th day of the marriage Pramila and accused persons came to Hupari. She further stated that face of Pramila was looking gloomy and accused no. 1 was not allowing to mix with the family members. Then she took Pramila to one of her

friend and asked Pramila as to how she is looking gloomy, Pramila replied that she was not happy in her matrimonial home and she is ill-treated for not bringing sufficient utensils and on demand of Rs. 25,000/- for her brother-in-law. Then she told Vidya not to tell these facts to other family members as her father is ill. She further stated that Vidya told her about ill-treatment on telephone on two occasions.

In the cross-examination she stated that on 03.10.2000 Pramila made a phone call and she along with her parents rushed to Vaduj. A chit and the notebooks were shown to Vidya (PW 3) and she denied that it was handwriting of Pramila. Then the photograph shown to this witness, this witness identified that it was photograph of her sister Pramila but had shown ignorance about place(s) where the photograph(s) were taken. Then an omission is brought on record in respect of the father of Pramila as well PW 3 suffering illness i.e. paralysis attack. There is also an omission in respect of receiving the phone call of Pramila by Vidya (PW 3) before about 8 days of her death.

10. Jayshri Kadam (PW 4) is the matrimonial sister of Pramila who had accompanied Pramila to her matrimonial home as Pathrakhin. Jayshri (PW 4) stated before the Court that she accompanied Pramila as

Pathrakhin to her home and stayed there for about 8 days. She further stated that when mother-in-law of Pramila could not find the roller pin in the gift articles she said that the utensils were not gifted in accordance with their status. Then she stated that on some occasions Pramila would go to sleep without food as her in-laws used to quarrel with her while taking food as such she would not complete the meal. Then she stated that in-laws of Pramila were not treating her with affection. She further stated that when her husband came to take her back the accused persons demanded Rs. 25,000/- for garage for her brother-in-law. Pramila in reply stated that as she is having 2-3 sisters who are of marriageable and her father being ill and it is not possible to fulfill their demands. While returning back Jayshri (PW 4) asked the in-laws of Pramila to sent Pramila to her parental home to which father-in-law of Pramila told that she can go parental home only if her father would come to take her. She further stated that after returning to her matrimonial home she told her mother that Pramila had not got a good family.

In the cross-examination she stated that after 16th day of marriage Pramila and her husband had gone to parental home of Pramila. The photographs were shown to this witness also, though she identified

Pramila in photograph but she was unable to tell the place where the photographs were taken. Then she stated about rushing to Vaduj on 03.10.2000. Then she further stated that her statement was recorded by police in afternoon of 05.10.2000.

11. Ramchandra Shevale (PW 5) is the ASI attached to Vaduj police station who had recorded the statement of Jayshri and Vidya on 05.10.2000. Certain omissions are brought on record through this witness namely, Pramila told Vidya not to tell the ill-treatment suffered by her to her parents as well Vidya receiving phone call of Pramila about 8 days of her death. An omission in respect of Jayshri was brought on record that the brother-in-law of Pramila serving in garage.

12. Ashok Jagdale (PW 6) is the PSI attached to Vaduj Police Station at the relevant time. A report was lodged on 04.10.2000 by Mandakini (PW 2) was recorded in presence of this witness and bearing his signature. Ashok (PW 6) registered the offence bearing CR No. 70/2000. He stated that prior to registration of offence as CR No. 70/2000, AD No. 25/2000 was already registered and in the process of investigation he visited the place of incident, panchnama was accordingly

drawn. Then he stated about the seizure of nylon rope and recording of statement of witnesses including of Sulochana as well as effecting arrest of accused persons. He further stated that on 15.10.2000 investigation was handed over to PSI Pawar. He identified the nylon rope. Two important omissions are brought on record through this witness, namely, Pramila was weeping at the time of phone call made to Mandakini (PW 2) and the complainant not stating that left side chest of Pramila was bleeding.

13. Rajendra Godse (DW 1) Orig. Accused No. 1 offered himself as the defence witness. He stated before the Court that he had studied upto 7th standard and Pramila had passed 10th standard. He further stated that after 15 days of marriage, he along with his family members and wife Pramila visited Jyotiba, Kolhapur, then Mahalaxmi Temple, Kolhapur by hiring a Jeep. Thereafter, they reached Hupri i.e. the parental home of Pramila at about 01.00 pm. Then he along with Pramila visited temples of Balaji, Radhakrishna, and Ambabai in village Hupari and after taking dinner in the parental home of Pramila they returned to Vaduj. Then the photographs were shown to him and he identified Pramila in the photograph as well places where the

photographs were taken namely, Ambabai Temple, Panhala, Radhakrishna temple, Mahalaxmi Temple etc. He further stated that on the day of death of Pramila he was working in the field. He further stated that one small child informed him about death of Pramila. Then he proceeded to his house and saw dead body of Pramila. Then information was forwarded to Hupari on telephone. The family members of Pramila reached Hupari at 7-8 pm. He further stated that uncle of Pramila gave information to police about her death. Police thereafter drew the inquest panchanama. The last rites were performed at Khatval. Then he stated that there were two necklaces, one Ganthan, Mangalsutra, finger ring, Chamki, silver anklet ornaments on the person of Pramila. He further stated that at about 10.00 – 11.00 am one Kolekar along with two police personnel came to his house and they asked for the ornaments on the person of Pramila, they also demanded Rs. 3 lacs towards compensation. They took away the ornaments of Pramila. Then he stated that he and his family members refused to pay Rs. 3 lacs. At about 5-6 pm FIR was lodged. The police arrested to him and other family members and they were in jail for three months. After returning home he found a chit under a bed written by Pramila. He then stated that the family members of

Pramila used to taunt her on the count that her husband is of dark complex. He further stated that parents of Pramila wanted him to deal in silver business by staying at Hupari.

In the cross-examination, learned APP asked certain questions about absence of his brother Kiran on account of marriage ceremony as well as betrothal ceremony. Then the learned APP made an attempt to suggest that the photographs were not taken at those particular places, those suggestions are denied. Suggestion were also given in respect of only few ornaments were worn by the deceased Pramila and that suggestion is denied. It may not be necessary for us to refer to other suggestions in the cross-examination as they are not very much material.

14. Another witness is examined by defence i.e. S.H. Mulla (DW 2) in support of photographs. He stated before the Court that he is doing business of photography since last 15 years. He had gone to Hupri along with accused at his instance. He took certain photographs. Photographs were shown to him and he identified the photographs taken by him at Hupri.

In the cross-examination, an attempt was made to suggest

that as father of accused no. 1 was doing photography business for sometime he was having good relations with Mandakini (PW 2) as such, this witness is an interested witness.

15. On considering the evidence above referred, we found that there is no serious dispute on account of suicidal death of Pramila. The oral evidence particularly, the version of Mandakini (PW 2), the inquest panchanama and postmortem notes clearly show that death of Pramila was a suicidal death. Provisional medical certificate Exhibit 16 issued under the signature of medical officer, Cottage Hospital, Katedham, Tq. Khatav, Dist. Satara. Reference to cause of death is died due to asphyxia due to hanging. Then postmortem report also reiterates the opinion as probable cause of death is asphyxia due to hanging. Subhash Mane (PW 1) panch witness also refers to seizure of a nylon rope and then in the inquest panchanama there is a reference of ligature mark on the neck of deceased Pramila. Learned Trial Judge as such committed no error in drawing a conclusion that Pramila committed suicide by hanging herself. Though it was vehemently submitted by learned APP that death of Pramila occurred within a short span of matrimonial life and as such, presumption under Section 113A and 113B of Indian Evidence Act

would come in play, we are unable to accept the submissions of learned APP in view of the evidence brought on record.

16. Mandakini (PW 2) though stated that when Pramila came to her parental home she had disclosed about ill-treatment and demand to her. Now, this was only an assumption of Mandakini (PW 2) on the basis of statement that the accused were not allowing the Pramila to talk with her family members and the accused persons refused the request made by Mandakini (PW 2) for allowing Pramila to stay at her parental home for few days. We have referred to the version of Mandakini (PW 2) in detail and on the first occasion when Pramila visited her parental home she hardly got sometime to spend with her family members. It came in the evidence that Pramila and accused no. 1 have took round in the village Hupari and visited certain temples. At that time, there was no reference made by Pramila in respect of either demand or any ill-treatment on account of non fulfillment of demands. Merely refusing Pramila to talk with other family members certainly would not be an act of cruelty so as to draw presumption in favour of the prosecution. Second thing also assumes an important that on 16th day of marriage as per prevailing customs the accused persons themselves brought Pramila to her parental

home.

17. Mandakini (PW 2) then referred to her solitary visit to Pramila's matrimonial home. Though Mandakini (PW 2) stated that in that visit Pramila informed her about demand and ill-treatment, Mandakini had not asked anything to the accused when Pramila informed about the ill-treatment suffered by her, that was the only occasion in respect of an allegation that the accused demanded Rs. 25,000/-. Learned Trial Judge found it improbable while discussing the evidence of Mandakini (PW 2) and rightly observed thus:

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She has also stated that she came to know about the demand of Rs. 25,000/- for the first time on that day. Then according to the complainant, she had disclosed to her husband about the demand of the accused, on the way to the house of her sister-Manisha, in the same village. It will be seen that the complainant after learning about the demand of Rs. 25,000/- of the accused, could have inquired with the accused no. 1, who was present in the house, regarding the demand. According to her, she had no talk with the accused no. 1 regarding Pramila. In

the circumstances it appears improbable that the complainant had no talk with the accused No. 1 who was alone present in the house, apart from Pramila, regarding the demand of Rs.25,000/- and regarding the alleged ill-treatment of Pramila. It also appears improbable that the complainant disclosed about the demand of Rs. 25,000/- and ill-treatment of Pramila over the same to her husband, only when she and her husband were on their way to the house of her sister – Manisha. The allegation of her complainant regarding demand of Rs. 25,000/- also appears to be improbable as according to the complainant, the accused had not allowed Pramila to talk to her parents, when they had visited their house on the occasion of 16th day, after marriage. The accused had also not allowed Pramila to stay back with her parents for a few days. It will be seen that if at all the accused had asked Pramila to bring Rs. 25,000/- from her parents, then they would have allowed Pramila to convey the demand to her parents and would have given an opportunity to Pramila to stay back with her parents, so that she should bring money to the accused. On the contrary, the accused neither allowed Pramila to talk to her parents, nor allowed her to stay back with them. In the circumstances, it is not possible to believe that Pramila had told the complainant

in the kitchen of her house that the accused had been making demand of Rs. 25,000/-. Then according to the complainant herself, the accused had not asked Pramila to send any letter to her parents conveying the demand to them.

18. Then in respect of phone call made by Pramila and informing Mandakini (PW 2) that accused no. 3 had asked to bring 10 kgs of each of festival dishes is concerned, the perusal of evidence show that the version that Pramila made a phone call at that time she was weeping is an improvement. Learned Trial Judge, on this aspect, rightly observed thus:

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It will be seen that the complainant has made an improvement when she has stated that Pramila said "Hello, Mother" while weeping. It appears that the complainant has not stated before the police that Pramila was weeping while taking the phone. The complainant then deposed that the accused no. 3 then told her that Pramila had not taken food since the morning and that they should rush to Vaduj. The complainant then deposed, that she and her husband went to Vaduj at 1

a.m. at night. They found that Pramila laid on a cot. They also found ligature marks on her neck. In my view, the evidence of the complainant does not inspire confidence.

19. There is another aspect for not accepting the theory of demand and ill-treatment i.e. when family members of Pramila reached her matrimonial home on receiving the information and Raghunath along with family members approached the police authorities informed about the death of Pramila, at that time none of family member made any disclosure of the demand and ill-treatment for not fulfilling the demand. On this aspect, learned Trial Judge rightly observed thus:

At that time Sulochana Raghunath Phadtare, Shivaji Jagannath Bagal, Jayshri Bipin Kadam (P.W. 4), Bipin Kadam, Chandrakant Ganpati Phadtare and his brother Ramesh and others had gone to the police station. The complainant then accepted that the police had inquired with them all. The police had inquired with them about the nature of cohabitation of Pramila. If that was so, the complainant had ample opportunity to air her grievance against the accused to the police. The complainant would have complained to the police about the demand of dowry of Rs. 25,000/- by the accused, if the accused

had been demanding that the amount from Pramila and had been ill-treating her on that count. The A.D. report (exh.65) lodged by Raghunath also does not indicate that any allegation was made against the accused. It is not the case of the complainant that she had made a complaint to the police regarding the ill-treatment of Pramila. This omission on the part of the complainant of the version of the complainant. In the circumstance I am not inclined to place reliance on the evidence of the complainant.

Similarly, there are material omissions in the version of Vidya (PW 3) and Jayshri (PW 4).

20. We have already referred to the omission of these witnesses brought on record through investigation, thus, these three witnesses who were examined by the prosecution in support of its case that Pramila was subjected to an ill-treatment on account of demand and non fulfillment of the demand is not established by the prosecution beyond reasonable doubt. Learned Trial Judge was justified in observing that the evidence of all these three witnesses falls too short of proving cruelty to Pramila at the hands of accused.

21. In the present matter, there is a contra evidence by the evidence in the form of Rajendra Godse (DW 1) and S.H. Mulla (DW 2). A chit was presented at the instance of Rajendra (DW 1) an opportunity was given to Mandakini (PW 2) to present the material for verifying the handwriting of Pramila qua the handwriting in the chit. Mandakini (PW 2) though assured before the Court that she would produce the notebooks in the handwriting of Pramila, she failed to submit any material showing the handwriting of Pramila. Accordingly, the Counsel for defence submitted that an adverse inference be drawn and learned Trial Judge found substance in the submission and an inference was drawn that chit at Exhibit 42 was in the handwriting of Pramila.

22. Perusal of the chit Exhibit 42 showing that Pramila expressed not only her love towards accused no. 1 but also gratitude as she found real soulmate in accused no. 1. It is stated in the chit that with heavy heart she is taking an extreme decision but she would like to be in the memory of accused no. 1 for years to come. It also came in the evidence that after death of Pramila the family members of Pramila conducted meeting and one Kolekar acted as mediator. No justifiable reason is

coming forth as to if Pramila was subjected to ill-treatment on account of demand and this fact was made known to family members of Pramila, then why Mr. Kolekar was sent to the accused person as mediator.

23. It is the version of Mandakini (PW 2) that after visiting Pramila on their return she visited her sister's place and informed her sister about ill-treatment to Pramila. Raghunath is the husband of sister of Mandakini (PW 2) if the fact of ill-treatment by accused to Pramila was known to the wife of Raghunath i.e. sister of Mandakini (PW 2) then there ought to have been a reference at the time of giving information of death of Pramila to the police authorities by Mr. Raghunath on which the accidental death was registered but there is no such mention of any ill-treatment in the report of Raghunath.

24. Considering all the above aspects, we are of the opinion that the learned Trial Judge committed no error in observing that the prosecution evidence falls too short to support the case of prosecution and prosecution failed to prove that the accused persons committed offence alleged against them beyond reasonable doubt as such, accused are entitled for benefit of doubt. The conclusion arrived at by the learned

trial Judge is on proper appreciation of evidence. We are unable to find any illegality or perversity in the judgment. Appeal, thus, being devoid of any merit, deserves to be dismissed. Accordingly, Criminal Appeal is dismissed.

(S.M. MODAK, J.)

(PRASANNA B. VARALE, J.)