

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

CRIMINAL REVISION APPLICATION NO.123 OF 2020

1. Pramila Rahul Aadhav,
Age : 45 years, Occ.: Household,
2. Sushil Rahul Aadhav,
Age : 30 years, Occ.: Business,
3. Rahul Ramchandra Aadhav,
Age : 50 years, Occ.: Service,
All r/o. at near Swami Kala
Mandir, Daund, Tal. Daund,
District: Pune. ...Applicants
V/S.
The State of Maharashtra ...Respondent

Mr. Rupesh Zade, Advocate for Applicants.
Smt. Rutuja Ambekar, APP for State – Respondent.

**CORAM : A. S. GADKARI, J.
DATE : 5th MARCH, 2021.**

P.C.:

1. By the present Revision Application, the Applicants have impugned Order dated 20th February 2019, passed below Exhibit 9 in S.C No.84 of 2016, thereby rejecting their Application for discharge filed under Section 227 of the Code of Criminal Procedure (for short 'Cr.P.C.').
2. Heard Mr. Zade learned Advocate for the Applicants and Smt. Ambekar, learned APP for the State. Perused record.

3. The First Information Report (for short 'F.I.R.') is lodged by Mrs. Ragini Anand Pardhe i.e. the mother of the deceased Mrs. Vaishali Sushil Adhav. Applicant No.1 is the mother-in-law, Applicant No.3 is father-in-law and Applicant No.2 is husband of deceased Ms. Vaishali Sushil Adhav. The marriage between Mrs. Vaishali and Applicant No.2 was solemnized on 25th November 2012. It is the allegation against the Applicants that, they used to harass and caused cruelty to the deceased on the ground of dowry. It is also alleged that, the Applicants used to demand Rs.50,000/- and ornaments from the deceased. The brother of the deceased in his statement has stated that on 31st January 2013, the deceased informed him that, the Applicant No.1 has forcibly taken earrings of the deceased in her custody and when the deceased demanded it back, they again told her to bring Rs.50,000/- for the purpose of business of Applicant No.2. The deceased committed suicide immediately on the next day i.e. on 1st February 2013 at about 8.00 p.m.

There are at-least two statements on record with the aforesaid allegations. It is an admitted fact on record that, the marriage of deceased with Applicant No.2 was solemnized on 25th November 2012 and deceased Vaishali committed suicide on 1st December 2013 at about 8.00 pm at her matrimonial house by hanging. Thus, it is clear that, deceased Vaishali died unnatural death within a period of three months from the

date of her marriage . The Postmortem Report issued by Medical Officer attached to Sub-district Hospital, Taluka Daund, has mentioned the cause of probable death as '*Asphynia due to hanging*'.

4. As the deceased has died unnatural death by committing suicide by hanging within a period of two months from her marriage, the presumption as to abatement of suicide by a married woman as contemplated under Section 113A comes into fray. Though learned counsel for the Applicants contended that, the statements of neighbours do not attribute any malafide against the Applicants, the Applicants will have to rebut the presumption as contemplated under Section 113A of the Evidence Act at the time of trial.

5. After perusing record and impugned Order passed by the Trial Court, this Court is of the considered view that, the Trial Court has not committed any error either in law or on facts while passing the impugned Order dated 20th February 2019.

6. Application is accordingly dismissed.

(A. S. GADKARI, J.)