

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

CRIMINAL REVISION APPLICATION NO. 13 OF 2019

Sandip Baldeo Tayade and ors...Versus...State of Maharashtra and anr

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

Court's or Judge's orders

Mr. S.V.Sirpurkar Advocate for the applicants
Mr. A.R.Chutke, APP for Respondent No.1/State
Ms. Mayuri Dharmadhikari, Advocate for Respondent No.2

CORAM : AVINASH G. GHAROTE, J.

DATE : 24/03/2022

1] Heard Mr. Sirpurkar, learned counsel for the applicants and Mrs. Dharmadhikari, learned counsel for Respondent No. 2.

2] The application challenges the order dated 1.12.2018, whereby the applications filed by the applicant at Exh. 9 and 10 for discharge have been rejected.

3] Mr. Sirpurkar, learned counsel for the applicants submits that there are no allegations against the applicants and the learned Sessions Court failed to consider the material in this regard and therefore has erred in law. He therefore submits that since no case is spelt out from the complaint, the applicants are entitled for discharge.

4] Mrs. Dharmadhikari, learned counsel for Respondent No.2 vehemently opposes the application and submits that the complaint indicates prima facie material against all the applicants, which has been properly considered by the courts below and therefore, the application needs to be rejected.

5] Learned APP supports the impugned order.

6] A perusal of the complaint dat 30.4.2017 (page 12) indicates that allegations have been made regarding demand of dowry against Respondent Nos.2 and 3 at the time of marriage, to the tune of Rs. 10 lakh, as against which, a part amount of Rs. 5 lakh is claimed to have been paid to them by mortgage of immovable property with State Bank of India. There are also allegations that since the balance amount was not paid, the applicant Nos. 2 and 3 had started ill-treating the Respondent No.2 and pestering her to bring the balance amount which was promised at the time of marriage. There are also allegations that Applicant Nos. 2 and 3 used to incite the Applicant No.1/husband on account of non- payment of the balance dowry amount, as a result of which the applicant no. 1 used to assault Respondent No.2. There are also allegations against applicant no. 4

that he has driven the Respondent No. 2 from the house in April 2017, with the assistance and active involvement of applicant Nos. 2 and 3. There are also allegations regarding poisoning of Respondent No.2, considering which, I do not see any reason to interfere in the order impugned. The application is therefore devoid of any merits and the same is dismissed.

JUDGE

Rvjalit