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

CRIMINAL APPEAL NO. 1192 OF 2003

State of Maharashtra

... Appellant

Versus

1. Nitin Prabhakar Ahire
Age : 27 Years
2. Prabhakar Khodaji Ahire
Age 62 Years
(Abated vide order dt. 21-12-2022)
3. Sou. Shantabai Prabhakar Ahire
Age : 58 Years,
4. Smt. Vidya Narendra Ahire,
Age : 24 Years,

All R/o. : Shrikrishna-Nagar,
Rane Park, B.6, Satpur, Dist.Nashik

... Respondents

Mr.Y.Y.Dabke – APP for the Appellant-State.

Mr.Pradyamn D. Sharma a/w Mr.Randhir Mandal and Ms.Bhavika Hodar,
Advocates for Respondent Nos. 1 and 3.

None for Respondent No.4.

CORAM : S. M. MODAK, J.

DATED : 11th JANUARY, 2023

P.C. :-

1. Heard learned APP Shri.Y.Y.Dabke for the Appellant-State and
learned Advocate Shri.Pradyamn Sharma for Respondent Nos.1 and 3.

2. Respondent No.2–Prabhakar Khodaji Ahire expired on 27th September, 2014. Whereas, his wife Respondent No.4–Vidya Narendra Ahire has left the matrimonial house at Satpur, District : Nashik on account of death of Respondent No.2–Prabhakar Khodaji Ahire and she had gone to her parents house. Respondent No.1–Nitin Prabhakar Ahire is the husband of the first informant–Madhuri Nitin Ahire. Whereas, Respondent No.3–Shantabai Prabhakar Ahire is her mother-in-law.

3. By present Appeal, the State is challenging the judgment of acquittal passed by the Court of JMFC, Nashik on 10th June, 2003. It was for the offence punishable under Sections 498-A, 506 read with 34 of the Indian Penal Code, 1860 (45 of 1860) [“IPC”].

4. The marriage of first informant with Accused No.1 was performed on 9th January, 2000. Both of them cohabited together till May-2001. Along with them, Respondent No.2 to Respondent No.4 used to stay in that house at Satpur, District : Nashik. Her allegation is that during cohabitation, she was ill-treated for bringing rupees one lakh for securing job to Accused No.1, there was a suspicion about illicit relationship in between the Respondent No.1 and Respondent No.4. Even, the first informant was aborted against her will and she was given a treatment like a maid servant. After leaving the matrimonial house, she lodged a complaint with Satpur Police Station, Nashik on 5th June, 2001.

5. During trial, four witnesses were examined which include the first informant and her parents and the Investigating Officer. All the Accused

were acquitted. I have read the judgment. It is a well reasoned judgment. Learned Magistrate has considered all the events that took place during matrimonial life. Ultimately, every event of matrimonial life is important. The allegations of harassment has to be appreciated by considering all the events in totality. There may be certain allegations, however, at the same time, there are certain events which throw light on the good conduct of the Accused persons or which may throw light about the conduct of the victim so as to make those allegations doubtful.

6. In this case, the learned Magistrate has noted certain events. It includes the first informant staying at her sister-in-law's house at Mumbai for learning about preparation of food for one month. If she could have been harassed, this liberty ought not to have been made. Learned Magistrate has also noticed that even though the first informant and all the Respondents were staying in that matrimonial house, there are less chances for her husband – Respondent No.1 to have an illicit relationship with the Respondent No.4 who is sister-in-law of Respondent No.1.

7. There are two letters relied upon by the Prosecution. Those are at Exhibit-32 and Exhibit-33. Exhibit-33 was not having signature, whereas, in the letter at Exhibit-32, she has advised her father PW No.2 to behave properly with the Accused persons. Even this fact, she has admitted in Para No.14 of her cross-examination. During cross-examination (Para No.12), she has admitted about attending the marriage and other ceremonies along with the Accused persons, it throws light as to how, she was treated nicely by the Respondents. Even she has also admitted as to how, she has visited number of places viz., Essel

World, Bhandardare, Vani, Someshwar etc., and other places along with the Accused persons. Even she was pursuing graduation in Commerce and she has appeared for some of the papers while cohabiting with the Respondent No.1. Certainly, it throws light about treatment to her.

8. PW No.2 – Mohan Tanaji Bachchav being father of the first informant was also cross-examined and even, he has admitted about attending a religious function at Vaitarna along with the Respondents. There was certain grievances about forcible abortion as stated by this witness, but these facts were not stated before the Police.

9. Whereas, PW No.3 – Durga Mohan Bachav being the mother of the first informant admitted about visit of the first informant to Bombay for one month though she is not aware about the reason. Even the first informant stayed with her parents on account of marriage of her niece. Even it has come in the evidence that the first informant worked with Entromod Polycasters, Satpur and even she has taken admission in A.M.I.E. course in the year 1999.

10. All these events have been considered by the learned trial Court while negating those allegations. Learned Magistrate found that the allegation does not fall within either of the clauses of Explanation to Section 498-A of the IPC and hence, acquitted all the Respondents. I do not find any reason to interfere in those findings. They are not erroneous. In addition to that, there is an additional circumstance which took place during the pendency of this Appeal. The first informant has filed an Intervention Application in the proceedings of this Appeal and she has

prayed for disposal of the Appeal by the State. This Court vide order dated 10th July, 2018 has refused her prayer. According to learned Advocate for Respondents, by the Intervention Application, she has asked for disposal of Appeal for the reason of settlement. It is for the reason that both the spouses have taken a divorce.

11. Considering the above circumstances, I do not find any reason to interfere in the judgment. There is no merit in the Appeal. Hence, dismissed.

(S. M. MODAK, J.)