

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 178 OF 2023

Komalkaur Ashishsingh Labana And Anr. ...Petitioners
Versus
State Of Maharashtra ...Respondent

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Mr. Ateet Shirodkar a/w Mr. Ganesh K. Gole, Advocate for Applicant.
Mr. Y.Y. Dabake, APP for the Respondent-State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 12th JULY, 2023.

P.C.:-

1. The Applicants are aggrieved by order dated 15th November, 2022 passed by learned Additional Sessions Judge, Kalyan rejecting the application for discharge preferred by the Applicants.

2. The case of the prosecution is that the marriage of deceased Kavaljit Kaur was solemnized with Accused Bobby Singh on 11th February, 2018. The mother-in-law of the deceased demanded dowry from the parents of the deceased. Initially the deceased was treated well and thereafter she was illtreated for bringing amount from her parents. She was assaulted and harassed by the Accused. On 23rd July, 2018 the victim committed suicide. First Information Report (for short 'FIR') lodged by father of the deceased on 6th August, 2018. On completing investigation, charge-sheet was filed.

3. Learned Advocate for the Applicants submitted that no role of having committed any offence is attributed to the Applicants. The Applicants are the wives of brother-in-law of the deceased. The allegations in the FIR and the other statements are vague. There is delay in FIR. It has been lodged after 14 days from the date of incident. The statement of daughter-in-law of the complainant mentions that all the articles/jewellery given to the deceased was taken away by the parents of the deceased. The inquest Panchanama does not refer to injuries suffered by the deceased. However, the prosecution is relied upon the injuries which are referred in postmortem report. There is no evidence to frame charge against the Applicants. It is alleged that all the Accused had assaulted the deceased. However, the postmortem report refers only two injuries. In the absence of any evidence indicate that Applicants have caused harassment or cruelty to victim, they cannot be charged for the alleged offences. The learned counsel for the Applicants has relied upon the decision by the Hon'ble Supreme Court in the case of *Ramesh and others V/s. State of T.N., (2005) 3 SCC 507*.

4. Learned APP submitted that the statements of the complainant and other witnesses shows involvement of the Applicants. The FIR refers to the fact that deceased was assaulted by all the Accused including the Applicants. The statements on record would indicate that the deceased was harassed/illtreated by all the Accused. The grounds urged by learned

counsel for the Applicants will have to be adjudicated during trial. At the stage of the framing of charge, the Court is required to see *prima facie* case.

5. Perused the documents on record, *prima facie* case is made out to show the involvement that the Applicants. The alleged incident of suicide had occurred within five months from the date of marriage. The statement on record shows the involvement of the Applicants. The postmortem report indicates that the deceased had suffered injuries. The case of the prosecution is that she was assaulted by the Accused. At this stage the Court is required to whether the *prima facie* case is made out against the Accused. The defence of the Accused cannot be considered. The death of deceased is not natural and it has occurred within 7 years of the marriage. The informant categorically stated that the Applicants and other Accused were illtreating the deceased. Thus, *prima facie* there is evidence to proceed against the Accused and frame the charge against them. Hence, no case is made out to set aside the impugned order.

ORDER

. Criminal Revision Application No.178 of 2023 stands
rejected and disposed off.

(PRAKASH D. NAIK, J.)