

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.488 Of 2022

Dnyaneshwar Damu Patil and ors .. Applicants
Versus
The State of Maharashtra and anr .. Respondents

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Mr.Rahul Kulkarni for the applicants.
Mr.R.M. Nakhwa, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 5th SEPTEMBER, 2023

P.C:-

1 The present application is filed by the four applicants, being the father-in-law and mother-in-law of deceased Sheetal Patil and the two other applicants in the application, are the sister-in-law of the deceased and the sister of applicant no.1 Mrs. Alka Patil. The present application is filed seeking discharge from the charges levelled against them in charge-sheet filed before the competent court in C.R.No.I-53/2018 registered with Mahad City police station, which had invoked Sections 304B, 498A and Section 34 of the IPC.

On completion of investigation, the charge-sheet came to be filed against five accused persons which include the present four applicants, apart from the husband of the deceased Vinit Dnyaneshwar Patil.

2 The learned counsel for the applicant has taken me through the charge-sheet which has compiled the statements of witnesses recorded during the course of investigation, including the statement of the complainant Shri Roshan Patil, the brother of the deceased Sheetal, who was found to be dead and the post-mortem report has assessed the cause of death as '*pulmonary hemorrhage with cerebro-pulmonary oedema with interstitial nephritis in a case of consumption of alcohol*'.

 The viscera report which is also compiled in the charge-sheet refer to presence of Ethyl Alcohol in the body of the deceased.

3 The prosecution allege that the accused nos.1 to 5 had subjected the deceased to cruelty by coercing her to bring dowry and she was also subjected to harassment on the ground that she was not serving. She was coerced to bring an amount of Rs.30,000/- on one occasion and Rs.20,000/- on the other, for being given to her in-laws. It also allege that she was subjected to harassment for not bringing sufficient dowry and this fact she has disclosed to her close relatives.

 During the course of investigation, statement of the wife of the complainant, Deepali Roshan Patil is recorded along with the statement of her sister Apeksha Patil and Mr. Ravindra Patil, her husband.

4 Vague allegations are found in the said statements and in the statement of Deepali, there is a reference to the applicant

no.4, about she creating misunderstanding in the family.

The statement of the complainant Roshan Patil, refer to the harassment to which his deceased sister was subjected, as she demanded an amount of Rs.30,000/- to satisfy her in-laws demand and Roshan state that her in-laws were harassing her.

Though the learned counsel for the applicant would make a feeble attempt to state that from May 2016, her husband was employed and therefore, she was residing separately, this is not fortified by the evidence collected as it appear that despite he being posted at Sinnar, she continued to reside with her in-laws and was subjected to harassment.

5 As far as applicant no.3, who is the sister-in-law of the deceased and the applicant no.4 who is the sister of the applicant no.1 (father-in-law), except bare and vague allegations, there is no specific evidence to establish that they had subjected the deceased to cruelty or harassment for, or in connection for any demand for dowry. In order to indict them for an offence punishable u/s. 304B of the IPC, not only this, no harassment as contemplated u/s.498A IPC is attributed to these two applicants, as it is to be borne in mind that Section 498A necessarily contemplate cruelty of such a nature, which is likely to drive a woman to commit suicide or to cause injury or danger to life or harassment of a woman with a view to coerce her to meet any unlawful demand for property and on account of the failure to meet such a demand, she being subjected to harassment.

6 The entire charge-sheet do not contain any material to the above effect and the only statement on which the learned APP would place reliance is of Deepali Patil, who has vaguely referred to the applicant no.4. There are no specific accusations in the entire charge-sheet against the applicant no.3 and 4 which would be said to be sufficient to take them for trial for the offence punishable u/s.304B, 498A r/w Section 34 of the IPC.

 Though the charge-sheet has compiled the material against the applicant nos.1 and 2 i.e. the father-in-law and mother-in-law of the deceased, as it is the case of the prosecution that the husband and the in-laws of the deceased demanded money and since death had occurred within 7 years from the solemnization of the marriage on 6/12/2015, it cannot be said that there is no material to prosecute the applicant nos.1 and 2.

7 Necessarily, the application deserve to be partly allowed as against applicant nos.3 and 4, whereas finding no sufficient ground to discharge the applicant nos.1 and 2, application is dismissed against them.

 The applicant nos.3 and 4 stand discharged from the Sessions Case No.34/2018 which is pending before the District and Sessions Judge, Mangaon, Raigad.

(SMT. BHARATI DANGRE, J.)