



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPEAL NO. 337 of 2004**

Sachin Jagannath Tayade,  
Age : 23 years, Occu. : Service,  
R/o. Sundernagar, Nageshwarwadi,  
Aurangabad.

**... Appellant**

**Versus**

The State of Maharashtra

**... Respondent**

**WITH  
CRIMINAL REVISION NO. 284 OF 2004**

Sukhdeo S/o. Asaram Raut,  
Age : 50 years, Occu. : Service,  
R/o. CIDCO, N-9-2-39/3,  
Shivajinagar,  
Aurangabad.

**... Applicant**

(Orig. Complainant)

**Versus**

1. Jagannath S/o. Asaram Tayade,  
Age : 57 years, Occu. : Service,  
R/o. Sundernagar, Nageshwarwadi,  
Aurangabad.

2. Sachin s/o. Jagannath Tayade,  
Age : 24 years, Occu. : Service,  
R/o. Sundernagar, Nageshwarwadi,  
Aurangabad.

3. Shakuntala w/o. Jagannath Tayade,  
Age : 49 years, Occu. : Household,  
R/o. Sundernagar, Nageshwarwadi,  
Aurangabad.

4. Sonali d/o. Jagannath Tayade,  
Age : 22 years, Occu. : Education,  
R/o. Sundernagar, Nageshwarwadi,  
Aurangabad.

5. The State of Maharashtra

**... Respondents**

...

Mr. N. S. Ghanekar, Advocate for Appellant in Cri.Appeal/334/2004

Mrs. Ashlesha Deshmukh, APP for Respondent - State.

Mr. Vinod Patil, Advocate for Applicant in Cri.Revision/284/2004

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**CORAM : ABHAY S. WAGHWASE, J.**

**RESERVED ON : 03 OCTOBER, 2024**

**PRONOUNCED ON : 09 OCTOBER, 2024**

**JUDGMENT :**

1. In instant appeal, there is challenge to the judgment and order passed by III<sup>rd</sup> Ad-hoc Additional Sessions Judge, Aurangabad in Sessions Case No.139 of 2003, dated 27.04.2004, holding appellant husband guilty for offence punishable under sections 498-A, 306 and 304-B of Indian Penal Code (IPC).

2. In nutshell, prosecution version in trial court is that, deceased Shubhangi was married to appellant Sachin on 05.05.2002. After marriage, she went to cohabit with husband and in-laws, who resided jointly. Shubhangi was treated properly for a period of 2 to 3 months after marriage, but thereafter, accused nos. 1 to 4 subjected her to cruelty on petty counts. Shubhangi reported it to her father. She also reported about beating on account of demand of Rs.1,00,000/- for arranging Government job. On 23.03.2003, she went missing and her dead body was found in well.

After funeral, PW1 Sukhdeo father lodged report, resulting into registration of crime and it being investigated by PW9 API Shinde.

Accused husband and in-laws were charge-sheeted for above offences and tried by learned III Ad-hoc Additional Sessions Judge, Aurangabad, who on appreciating the evidence acquitted accused nos.1, 3 and 4, but convicted only husband.

Hence, the instant appeal.

#### **SUM AND SUBSTANCE OF EVIDENCE IN TRIAL COURT**

3. PW1 Sukhdeo in evidence at Exh.19 stated about marriage of deceased daughter with appellant on 05.05.2002. He stated that after marriage, she went to reside with husband and in-laws. She was properly treated for initial span of **2 to 3** months. Thereafter, accused nos.**1 to 4** subjected her to **cruelty** on account of **petty reasons**. Whenever she came, she reported about it. He gave her understanding to tolerate. After **December 2002**, accused subjected her to **cruelty** by **beating** her and ask him to bring Rs.1,00,000/- for getting Government service for appellant. After December 2002, she had come four times and in every visits, she told about demand of Rs.1,00,000/-. On 23.03.2003, information was received that she was missing. After search her dead body was found inside the well. After funeral, he lodged report.

**PW2** Raja brother-in-law of PW1 stated that, on 23.03.2003, he, complainant and brother of complainant Namdeorao undertook search of Shubhangi and her dead body was noticed in well. In paragraph no. 2 of examination-in-chief, he stated that, after **3 to 4 months**, Shubhangi told him that accused subjected her **cruelty** on **petty counts**. During Sankrant of 2003, she told him that her husband Sachin received call for the interview for the post of Police Constable and for that accused were demanding Rs.1,00,000/- for getting service.

**PW3** Dr. Kotekar, autopsy surgeon, who conducted post mortem and issued opinion that, cause of death was 'pulmonary contusion with cerebropulmonary oedma with injury with scalp'.

**PW4** Anil drew hand sketch map of spot Exh.43.

**PW5** Sangita neighbour and childhood friend, deposed that, after marriage, on 2 to 3 occasions, when Shubhangi came to parents home, they both met. After 10 to 12 days of Sankrant of 2003, she told her that her husband had received recruitment call for the post of Police Constable and in order to secure employment as constable, accused **nos.1 to 3** were **asking** to bring of Rs.1,00,000/- from her parents. Thereafter, they did not meet.

**PW6** Archana sister stated that, in July 2002, when her sister came along with her husband at Badnapur, that time, she told her that for initial span of **1 or 2 months**, immediately after marriage she was treated properly, but thereafter accused nos.1 to 4 started **taunting**. In Diwali of 2002, she reported **taunting** and subjecting her to **cruelty** on **petty counts**. During Sankrant of 2003, Shubhangi told that accused Sachin was demanding Rs.1,00,000/- for seeking job as Constable and he was asking her to bring it from her parents. Similar information was given on 23.02.2003.

**PW7** Vasant, Employment Officer, testified that, he dispatched call letter to appellant for recruitment for the post of Police Constable. However, on 15.01.2003, proposed recruitment was cancelled and therefore fresh letter was issued subsequently to remain present on police ground on 28.03.2003. He identified letter at Exh.49.

**PW8** Prashant identified sale deed of plot sold by complainant.

**PW9** API Shinde, Police Officer, who carried out investigation and charge-sheeted accused.

4. Defence i.e. accused examined himself **DW1** Sachin at Exh.22 and deposed that, after marriage she came to cohabit at

their house, where his parents and sister were occupying the house comprising of five rooms. He and deceased were using two rooms and rest were occupied by her parents and sister. There are two separate residence for the three rooms and two rooms, respectively. Substance of his evidence is that, Shubhangi was short tempered. She was not willing to bear child and took pills and this was opposed by him and he even restrained her and convinced her. On 25.09.2002 also he convinced her to not to take pills to prevent pregnancy and even spoke on phone with her father and asked him to come to the house on 26.09.2003 at 10:30 am. He also called his old maternal uncle and brother-in-law. On 26.09.2002 all persons came and tried to convince Shubhangi that she should refrain from taking pills during pregnancy. He stated that, he received call letter, but recruitment process was cancelled, and thereafter he did not get any call letter. That, on 22.03.2003, he and Shubhangi had proposed to visit Gynecologist for check up. There was altercation at about 10:30 p.m.. On 22.03.2003, he left the house to resume his duties at 'Mangalam Quaeels' at 11:00 p.m. and after discharging duties around 7 a.m. of 23.03.2003, he returned home and learnt from his father and brother-in-law that Shubhangi was missing and therefore she was searched. Around 9:30 p.m., he and his father visited Kranti Chowk Police Station to inform missing of Shubhangi and one Gaikwad noted missing

report. That time, telephonic message was received about dead body spotted in well and then they all went and found that corpse of Shubhangi. After P.M., last rituals was conducted.

5. **DW2** Ambadas, maternal uncle also deposed that, Shubhangi used to take pills to prevent pregnancy. She was convinced. On 26.09.2002 meeting was held at his residence to refrain her from taking pills. On 23.03.2003, telephonic message received that Shubhangi was missing and about accused visited to lodge report and dead body of Shubhangi noticed in the well.

### **SUBMISSIONS**

#### **Learned counsel for Appellant :**

6. Pointing to the above evidence, learned counsel would submits that, apparently there is false implication. That, case has not been proved beyond reasonable doubt. That, prosecution evidence is weak and essential ingredients for attracting the charges are not available. He submitted that, allegations are general, vague and omnibus in nature alleging cruelty without specifying, who inflicted cruelty and for what reasons. That, there are allegations of quarrels on petty count without elaborating reasons for quarrels. It is submitted that, cruelty as contemplated under law to attract section 498-A IPC is not proved by prosecution.

7. As regards to offence of suicide is concerned, learned counsel submitted that, there were mere differences between husband and wife for retaining pregnancy. Deceased was not willing to conceive and bear child and was regularly taking pills. In spite of several attempts, she did not respond and continued to take pills. On such count, there was quarrel and for no other reason. He pointed out that, for such reason, if quarrels do take place, they would not amount to abetment to commit suicide.

8. He next submitted that, allegations of demand of Rs.1,00,000/- by way of improvisation. That, the reason for which demand was made, was not in existence. That, in fact there was no demand, and even no cruelty in the backdrop of demand or there is no evidence in that regard or allegations to that extent are also general, vague and non specific. He pointed out that, there is no element of abetment or inducement to commit suicide so as to attract offence under section 306 IPC.

9. He also submitted that, charge of section 304-B IPC is merely framed because death has taken place within 7 years. He pointed out that, for attracting said charge, cruelty has to be established that too having nexus with suicide. Here, there is weak

or no evidence on the point of cruelty and demand and therefore he questions the guilt recorded by trial Judge for said offence. He emphasized that there is no material to suggest that soon before alleged suicide there was any cruelty in the backdrop of any dowry demand so as to accept the case of prosecution for said charge.

10. Lastly he submitted that, learned trial court has failed to consider and appreciate the evidence in proper perspective. Learned trial court has also failed to appreciate settled law and therefore he seeks indulgence by setting aside the impugned judgment by allowing the appeal.

**On behalf of Respondent – State :-**

11. Canvassing in favour and supporting the judgment, learned APP would submit that, shortly after 2 to 3 months of marriage, there was cruelty, beating on petty counts. That, there is evidence to that extent of father, uncle and neighbour to whom victim reported that there was demand of Rs.1,00,000/- for Government job. On account of non fulfillment, there was ill treatment. All accused resided together. That, deceased was in their custody. Therefore, they are answerable for unnatural death of deceased. That, as all ingredients to attract the charges were available, learned trial court correctly held appellant guilty and as

such it is her submission that there is no reason to interfere in well reasoned and sound judgment.

### **APPRECIATION AND ANALYSIS**

12. Undisputedly, marriage of appellant and deceased is of 05.05.2002. Going by the prosecution story, it is emerging that, there are two types of allegations, i.e. *firstly*, inflicting cruelty on petty counts and secondly harassment for demand of Rs.1,00,000/- for securing job. Witnesses, who are examined on above indictment are father PW1 Sukhdeo, who is informant, PW2 Raja maternal uncle, one neighbour PW5 Sangita and PW6 Archana sister. Obviously, evidence of father, sister and maternal uncle assumes importance. However, maternal uncle has acted in dual capacity i.e. as a pancha and in testimony in that reference he has deposed about treatment meted out to Shubhangi. Sum and substance of the testimonies of above witnesses are already dealt in aforesaid paragraphs. Therefore, it would be also necessary to assess as to whether their testimonies were intact and stood unshaken while facing cross.

Cross of PW1 father informant commences from paragraph no.4. Initial questions are about education of victim, accused persons to be in relation, financial conditions of accused during talks of marriage. Even in paragraph no.5 it is noticed that, informant himself admitted that at the time of marriage and even

at the time of death of Shubhangi, appellant was in private service. In paragraph no.6 he answered that, his daughter Shubhangi after marriage came to informant firstly in the month of "Ashad" and thereafter at the time of "Rakhi Pournima" i.e. which generally falls in the months of August and at the time of "Mahalaxmi festival" which is during Diwali festival. Therefore, consequently, above material shows that around three visits were paid by Shubhangi to her father. Omission is brought in same paragraph regarding "after December 2002 Shubhangi came for four times and every time she told about demand of Rs.1,00,000/-". He admitted in paragraph no. 6 that, "it is incorrect to say that, because Shubhangi had not at all come to me after Diwali in the year 2002, she had not disclosed such demand and therefore he has not mentioned so at the time of lodging of his complaint". He also admitted that, on the earlier night of death of Shubhangi at 11:00 p.m., his wife had spoken to Shubhangi on phone also. However, his wife i.e. mother of Shubhangi is surprisingly not examined. It is pertinent to note that, on the same night Shubhangi went missing. The nature of conversation between daughter and mother would have thrown sufficient light and could have been useful for both prosecution as well as defence. In paragraph no. 7 there are questions about the length, depth and condition of the well and then entire denial.

While under cross at the hands of accused no.2, initial cross is confined to pre-marriage visits of each of the side, sale transaction by complainant to raise money. Again in paragraph no.10 informant has admitted about visits of his daughter and appellant to their house on holidays; they going together for movies with her brother, two entrances to the house of accused. In paragraph no. 11 he admitted that till the month of *Shravan*, she had come only once. He expressed his ignorance about any issues of Shubhangi pertaining to her menses. Even again he has admitted that, on the earlier date there were telephonic talks between his wife and daughter. Then there is denial to all questions and suggestions in paragraph no.12. In paragraph no.13 he has admitted that accused were present in the Ghati Hospital and that they had attended the funeral. He admitted about not reporting in the complaint regarding dowry amount and Rs.15,000/- paid for ornaments to appellant. He answered that he did inform police at the time of lodging complaint and at the time of recording supplementary statement that in response to the phone message from son Yogesh, after returning to my residence, from my working place on 23.03.2003, he had called Archana to question whether Shubhangi had come to Jalna; about informing brother Namdeorao and Raju about missing and on their arrival frantic search being undertaken, but he is unable state why such material

is not finding place in the complaint as well as in supplementary statement.

13. On visiting cross faced by Sister PW6 Archana, omission is brought in the statement that "on 23.03.2003, Shubhangi told her that accused no.1 to 4 were subjecting her to cruelty asking her to bring Rs.1,00,000/-. She answered that, after marriage, she went to house of accused only once and she admitted about telling Shubhangi i.e. when she reported about cruelty, that it was bound to be in marital life.

Now, if cross faced by maternal uncle PW2 is visited, it is noticed that, he admitted that his statement was never recorded by police and for the first time he was deposed before the court about Shubhangi meeting him at the residence of complainant and telling that all accused were subjecting her to cruelty on petty reasons and accused demanding Rs.1,00,000/- for employment. Rest of the cross is on the point of spot to which he has acted as a pancha.

14. Therefore, taking into account above discussed substantive evidence, it is noticed that, father alleges that after 2 to 3 months of marriage, accused nos.1 to 4 subjected Shubhangi cruelty on petty counts. There is no clarification or elaboration

also as to what was the type of cruelty, its nature and on which petty counts and specifically which of the accused. He has stated that whenever Shubhangi came, she used to inform cruelty, but he himself has admitted in cross that her first visit was in the month of Ashad, then second time was at Rakhi Pournima and third time was at the time of Diwali. All these visits were therefore during Ashad, which falls in July, then in August and three months thereafter i.e. Diwali. Father, uncle and sister are not consistent as to since when ill treatment began. Therefore coupled with omnibus allegations of cruelty being meted out on petty counts, these witnesses have not given instances or nature of cruelty. Sister PW6 Archana is found to be deposing about hearing from Shubhangi that accused nos.1 to 4 were **taunting** and subjecting her to cruelty on petty counts. But her father informant has not at all stated about any taunting or on what count and even she has not elaborated about it. She claims to have heard about demand of Rs.1,00,000/- from Shubhangi during her visit only at the time of Sankrant and in February 2003 i.e. at the time of gathering of their community.

15. Consequently, even she has not elaborated except stating that there was cruelty. Though immediate neighbour and childhood friend of Shubhangi is examined as PW5, her evidence is

virtually for no use to prosecution because she has stated that, after marriage she met Shubhangi on 2 to 3 occasions. However, she has not deposed about hearing anything from Shubhangi regarding any cruelty or ill treatment. She claims that at the time of Sankrant, when they both met, Shubhangi merely told about her husband receiving recruitment call and accused nos.1 to 3 “**asking**” her to bring Rs.1,00,000/- from parents. Therefore, this witness has not stated about any cruelty on petty counts as is stated by father and uncle.

16. Specific allegations of prosecution is regarding demand of Rs.1,00,000/- for securing job for appellant as a police constable. In support of such accusation prosecution has adduced evidence of PW7 Vasant an Employment Officer at Exh.47 and this witness has stated that, on 14.01.2003 he had issued call letter to the appellant for recruitment for the post of Police Constable and he identified it to be at Exh.48. He further deposed that, on 15.01.2003 DSP Office issued communication and proposed recruitment was cancelled and it was postponed and decided to be held on 28.03.2003 and accordingly he issued fresh call letter on 17.03.2003.

In cross he admitted that he did not possess any document to show that on 15.03.2003 he had issued fresh call letter in favour of appellant.

17. It is to be noted that, father informant in his examination-in-chief deposed that, after December 2002 accused nos.1 to 4 were consistently subjected Shubhangi to cruelty by beating her and asking her to bring Rs.1,00,000/- for getting Government job. However, testimony of above independent witness PW7 Vasant goes to show that process of call letter was in March 2003. Therefore, the question arises is why would there be demand of Rs.1,00,000/- almost three months prior to receipt of call letter. Father has already admitted that since previous to the marriage and even at the time of death of Shubhangi appellant was working in the company. Father though claimed there was consistent beating in the backdrop of demand of Rs.1,00,000/-, maternal uncle PW2 Raja has not uttered about Shubhangi being beaten as he merely stated about hearing from Shubhangi regarding demand of Rs.1,00,000/- for getting service. Neither sister nor childhood friend PW5 Sangita speak about beating to Shubhangi.

In the light of above quality of material emerging, there are apparently general allegations of cruelty being meted out on petty counts and demand of Rs.1,00,000/- being made for job, but above discussion creates doubt for the simple reason that alleged demand is even prior to receiving call letter. Hence, story of prosecution comes under shadow of doubt even on the point of demand and ill treatment.

18. Here, admittedly, Shubhangi ended up her life by jumping in the well. She allegedly went missing on the night of 22.03.2003 and was said to be search for. Moot question is what transpired in immediate proximity to alleged suicide. It is pertinent to note that complainant informant admitted that there were telephonic talks between Shubhangi and his wife on the same night. Surprisingly, what was the nature of talks has not come on record. Mother of Shubhangi has not stepped into witness box for the best reasons known to prosecution. It was important piece of evidence because same night Shubhangi went missing and was found dead on the morning in the well. Therefore, what triggered the episode of suicide is a mystery.

19. Defence has come with a specific case that appellant was at his work place rendering night duty. His such defence has not been seriously challenged or shaken. Appellant himself has stepped into the witness box at Exh.62. He deposed that, Shubhangi was in the habit of consuming pills for preventing pregnancy to which he had opposed. In paragraph no.3 of the examination-in-chief, he has also deposed about joint meeting of both sides held on 26.09.2002 for giving understanding to Shubhangi to refrain from taking pills to prevent pregnancy. In

spite of being cross examined by learned APP his such testimony does not seem to have been challenged at all except suggesting that he falsely deposed about it. Appellant further deposed that, on 22.03.2003 he and Shubhangi had proposed to pay visit to gynecologist and there was altercation between them. He specifically deposed that, he went to attend duty at 11:00 p.m. that night and when he returned home he learnt that Shubhangi was missing. In support of *plea of alibi*, he has examined his own maternal uncle as DW2. While facing cross, very Investigating Officer in paragraph 6 admitted that, Dhananjay Murtikar Manager of the company, namely, 'Mangalam Quaeels' had informed that, during the intervening night of 22.03.2003 to 23.03.2003 accused was discharging his duty in the company. Therefore, *plea of alibi* is virtually substantiated.

20. Now, it is emerging that, husband was in the house only up to 11:00 p.m. and thereafter he left for duty. Dead body was noticed in the morning of 23.03.2003. Question therefore is what triggered the episode of jumping. Appellant in his examination-in-chief in paragraph no. 6 himself deposed that on 22.03.2003, there was quarrel between him and Shubhangi at 10:00 p.m. and she had brought pregnancy test strip and the test of pregnancy turned down to be positive. But, she was keen in

terminating it and he had opposed the same, resulting into altercation and thereafter he left. Informant father himself has admitted that there were telephonic talks between Shubhangi and her mother on same night. As stated above, topic of talks has not come on record. Therefore, material available is only to the extent that there was altercation on the point of refraining pregnancy. This is coming from the very mouth of husband accused and not from any other source.

21. In the considered opinion of this court, above material indicates that, merely on such count Shubhangi took extreme steps. Now question is whether appellant intended to indulge into altercation with specific intention or knowledge that she should take the extreme steps of jumping in the well, in the opinion of this court, the answer is negative. It is the solitary episode of quarrel between husband and wife and it cannot be said to be so sufficient cause so as to end up the life itself. He having left the house, the very aspect of abetment, inducement or incitement which are *sine qua non* for offence under section 306 IPC are missing in the case. Resultantly, even charge of 306 IPC does not stand.

22. It seems that, prosecution indicted appellant and his parents for commission of offence under section 304-B IPC on

accusation that there was cruelty and harassment and suicide being committed within seven years, said offence too gets attracted. However, it is noticed that at the first count, there is no evidence for namesake suggesting any dowry decided to be paid. Legal position is fairly settled by numerous judgments, but law on this aspect is crystallized in the judgment of Hon'ble Apex Court in the case of ***Bajjnath v. State of M.P.*** (2017) 1 SCC 101 and the relevant paras in the said judgment, are borrowed and quoted here under :-

*“25. Whereas in the offence of dowry death defined by Section 304-B of the Code, the ingredients thereof are:*

- (i) death of the woman concerned is by any burns or bodily injury or by any cause other than in normal circumstances, and*
- (ii) is within seven years of her marriage, and*
- (iii) that soon before her death, she was subjected to cruelty or harassment by her husband or any relative of the husband for, or in connection with, any demand for dowry.*

*The offence under Section 498A of the Code is attracted qua the husband or his relative if she is subjected to cruelty. The explanation to this Section expositis "cruelty" as:*

- (i) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) or*
- (ii) harassment of the woman, where such harassment is with a view to coercing her or any person related to her to meet any*

*unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.*

*26. Patently thus, cruelty or harassment of the lady by her husband or his relative for or in connection with any demand for any property or valuable security as a demand for dowry or in connection therewith is the common constituent of both the offences.*

*27. The expression "dowry" is ordained to have the same meaning as in Section 2 of the Dowry Prohibition Act, 1961. The expression "cruelty", as explained, contains in its expanse, apart from the conduct of the tormentor, the consequences precipitated thereby qua the lady subjected thereto. Be that as it may, cruelty or harassment by the husband or any relative of his for or in connection with any demand of dowry to reiterate, is the gravamen of the two offences."*

Bearing above legal position in mind, here, it is noticed that, informant father PW1 Sukhdeo, maternal uncle PW2 Raja, sister PW6 Archana as well as neighbour PW5 Sangita have not uttered a word about demand of dowry or Shubhangi subjected to cruelty in that backdrop. So called demand of Rs.1,00,000/- has cropped up subsequent to marriage. As discussed in aforesaid paragraph, allegations are of subjecting cruelty on petty counts without elaborating or quoting instances. Therefore, merely because death has taken place within seven years, said charge

cannot be attracted, more particularly when necessary ingredients for the said charge are missing in the entire evidence. Very recently, the Hon'ble Apex Court in the case of ***Charan Singh @ Charanjit Singh v. The State of Uttarakhand***, 2023 LiveLaw SC 341, crystallized the legal position in case of charge of 304-B IPC and 498-A IPC. Applying the same with evidence in the case in hand, in the considered opinion of this court, even said charge is misplaced and misdirected.

23. Original complainant has preferred criminal revision praying for both, enhancement of sentence awarded to the appellant husband and for challenging the acquittal of accused nos.1, 3 and 4 by learned trial Judge.

However, after re-appreciation and re-analysis of the evidence, this court has held that, evidence of prosecution does not make out a case for recording guilt of even husband for any of the charge for which he was charge-sheeted. On re-appreciation and re-analysis, there is no cause or case made out to even disturb the findings of acquittal. Therefore, acquittal of accused nos.1, 3 and 4 being justified is kept intact. Hence, revision has no substance and is devoid of merits. Hence, the following order is passed :-

**ORDER**

- I) The criminal appeal is allowed.
- II) The conviction awarded to appellant - Sachin Jagannath Tayade in Sessions Case No.139 of 2003 by III Ad-hoc Additional Sessions Judge, Aurangabad on 27.04.2004 for the offence punishable under sections 498-A, 306 and 304-B of Indian Penal Code, stands quashed and set aside.
- III) The appellant stands acquitted of the offence punishable under sections 498-A, 306 and 304-B of Indian Penal Code.
- IV) The bail bonds of the appellant stands cancelled.
- V) The fine amount deposited, if any, be refunded to the appellant after the statutory period.
- VI) It is clarified that there is no change as regards the order in respect of disposal of *Muddemal*.
- (VII) The criminal revision application is dismissed.

**(ABHAY S. WAGHWASE, J.)**