



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 604 OF 2004

Rajendra S/o Shivaji Patil
Age: 35 years, Occu.: Agriculturist,
R/o. Talai, Tq.Erandol,
Dist.Jalgaon.

..Appellant
(original Accused)

Versus

The State of Maharashtra

..Respondent

.....

Advocate for Appellant : Mr. Paresh B.Patil (Borse)
APP for Respondent no.1 : Mrs.Chaitali Chaudhari -Kutti
Advocate for Respondent no.2 : Mr.Bipinchandra K.Patil

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 19 SEPTEMBER, 2024

PRONOUNCED ON : 01 OCTOBER, 2024

JUDGMENT :-

1. Appellant, husband of deceased Swati, was chargesheeted and tried alongwith his family members i.e. accused nos.2 to 4, for commission of offence under Sections 498-A and 306 read with 34 of the Indian Penal Code (IPC) by 4th Adhoc Additional Sessions Judge, Jalgaon, vide Sessions Case no.2 of 2002 and he alone was held guilty of both charges vide judgment and order dated 26-08-2004, which is assailed herein now.

PROSECUTION CASE IN BRIEF

2. Deceased Swati was married to appellant Rajendra (original accused no.1) on 01-05-1997. At that time, accused was in service at Chakan, Dist.Pune, whereas his native was at Talai. Even deceased Swati worked as Operator at Chichwad, Pune. According to prosecution, barely after 8-10 days of marriage, appellant husband beat Swati and drove her out of the house. Father informant PW4 went and dropped her to appellant. Thereafter, also whenever she came, she reported beating by husband and about husband pressurizing her to quit the job. As she was taken for Diwali at Talai, her employer made her to resign. When mother-in-law came, husband beat Swati for not giving breakfast to his mother at appropriate time. Understanding was given to the accused by her uncle. Appellant also subsequently lost job and therefore, he brought Swati to Talai. Informant received letters from Swati conveying ill-treatment at the hands of parents-in-law and about demand of Rs.40,000/- for arranging employment of his husband. Appellant husband again beat her in June 1998. In spite of Swati delivering male child, husband and in-laws did not come to see her or the child. Subsequently, husband demanded Rs.40,000/- to the informant for the job. Informant managed to give Rs.15,000/-, but appellant quit

said job also. During her life time, Swati wrote three letters i.e. to informant father PW4 Bhagwat and to her uncle PW8 Pundlik conveying ill-treatment and demand. On 24-09-2001 news was received that Swati was serious. When it was learnt that she died due to consumption of poison, father lodged report exh.56.

PW11 Nilkantha Patil (API), who was entrusted with investigation, after gathering evidence, chargesheeted accused and on trial, accused nos.2 to 4 were acquitted from all charges, but accused no.1 - husband alone was held guilty. Appellant husband has therefore, preferred instant appeal.

SUBMISSIONS

On behalf of appellant :

3. Learned counsel for appellant would submit that here there is no convincing, cogent evidence either on charge of Section 498-A or Section 306 of the IPC. He pointed out that there is only evidence of PW4 father and PW8 uncle and alleged letters written by deceased, but according to him, even so much evidence is ambiguous and not sufficient to establish guilt. Learned counsel took this court through testimony of PW4 father and PW8 uncle and even answers given by these witnesses in cross-examination and would submit that they

both are not consistent and there are variances on material counts. Pointing out to the letters, he submitted that contents of the letters do not suggest that there was any cruelty, ill-treatment on any demand, on the contrary, letters show well being of deceased.

4. Learned Counsel also took this Court through evidence of two ladies i.e. PW9 Kantabai and PW10 Sulbha, neighbours and submitted that their evidence is not trustworthy. Their statements are recorded at belated stage and moreover, they have improvised their version. That their evidence is also ambiguous about ill-treatment and harassment and therefore, such evidence ought not to have been relied. Therefore, it is his submission that evidence of prosecution is lacking the essential ingredients for attracting Section 498-A of the IPC.

5. He pointed out that, there is no evidence in support of charge of Section 306 of the IPC also. He would submit that unless there is evidence suggesting inducement, abetment or enticement or meeting out cruelty of such nature that Swati was left with no other alternative but to end up her life, said charge cannot be fasten. According to him, there is no iota of evidence in above aspect. He

submitted that there is no evidence to show that any positive or active role has been played by appellant accused in alleged consumption and therefore, he questions the impugned judgment and prays to set aside the same by allowing the appeal.

On behalf of State :

6. Per contra, learned APP submitted that prosecution has established charge by examining PW4 Bhagwat, father, PW8 Pundlik, uncle as well as two independent ladies i.e. PW9 Kantabai and PW10 Sulbha to whom deceased promptly reported beating, ill-treatment and demand. That there was continuous harassment. Learned APP submitted that, deceased also wrote letters to PW4 father and PW8 uncle conveying ill-treatment. That said letters were seized by investigating machinery. That text of letters clearly suggests maltreatment. That there is evidence that husband beat Swati with belt on petty counts for not giving breakfast to mother-in-law. That such instances were promptly reported by her to her father and uncle. Therefore, according to learned APP, there is more than convincing evidence suggesting cruelty.

On the point of suicide, she would submit that only because of above harassment, ill-treatment and beating, Swati was compelled to

end up her life. That she has committed suicide by consuming poison. That there was no other reason for her to commit suicide and appellant husband being solely responsible, according to learned APP, he is rightly held guilty and convicted too and hence, favouring the judgment to be correct and proper, she prays to dismiss the appeal.

WITNESSES IN TRIAL COURT

7. In support of its case, prosecution has adduced evidence of in all eleven witnesses. Their status and role is as under :

PW1 Feroj Rais Ahmad Shaikh, Medical Officer and autopsy surgeon.
His evidence is at exh.26.

PW2 Subhash Shankar Patil, pancha to inquest panchamana exh.33.
His evidence is at exh.32.

PW3 Sunil Nawalsing Patil is Pancha to spot panchamana exh.35.

PW4 Bhagwat Hari Choudhary is father and informant, who lodged report exh.56.

PW5 Sanjay Badrinath Kathar is handwriting expert. His evidence is at exh.60.

PW6 Narayan Gurupad Darphale is pancha to seizure of answer

papers exh.52 to 54. His evidence is at exh.79.

PW7 Shaikh Gaffar Shaikh Nabab is pancha to seizure of documents exh.82 and 83.

PW8 Pundlik Hari Choudhary is uncle of deceased Swati. His evidence is at exh.84.

PW9 Kantabai Ram Jadhav is a neighbour. Her evidence is at exh.86.

PW10 Sulbha Shivaji Bodakhe, is another neighbour. Her evidence is at exh.87.

PW11 Nilkantha Damodar Patil is Investigating Officer. His evidence is at exh.91.

EVIDENCE IN TRIAL COURT

8. Here there is oral evidence of **PW4** Bhagwat, informant father, his brother **PW8** Pundlik, and neighbours **PW9** Kantabai and **PW10** Sulbha on the point of cruelty and therefore, said evidence is re-appreciated.

PW4 Bhagwat, informant father, in his evidence at exh.37 testified that after marriage of his daughter Swati with appellant on 01-05-1997, she started residing at Pimpri, Pune. According to him, after 8-10 days of marriage, appellant husband beat her and drove her out of the house. That he himself went to drop her back to him. Then he stated that whenever she came to maternal house, she used

to tell that husband used to beat her. That he made her quit job. That as she went for Diwali and the native of husband, her employer took her resignation. That when mother-in-law came to reside, husband picked up quarrel for not giving breakfast to her on time and beat her. That his brother Pundlik went and brought her to his house. That appellant husband came in his absence and took her back. That appellant husband lost job and therefore, he went to reside with her at Talai i.e. his native. From there, Swati wrote letters that she faced ill-treatment at the hands of mother-in-law, father-in-law and husband. According to him, there was demand of Rs.40,000/- for employment of husband i.e. in the year 1998. He deposed that he gathered the above facts from the letters received from her. That in June 1998, his daughter and appellant came back to Pune and resided at Pimpri as job was arranged for him and they were residing in the same area where his brother PW8 Pundlik resided. According to this witness, there also husband beat her and she reported it to his brother. At the time of pregnancy of Swati, husband and in-laws were intending to take her to Talai, but this witness claims that he did not permit and delivery was performed at his house. After delivery, none of the accused came to see his daughter and new born. He further deposed in paragraph 7 that

husband got job at Dombaon, Dist.Jalgaon in a Ashram School and at that time, he demanded Rs.40,000/-, but he could give only Rs.15,000/-. However, husband left that job also. That his daughter conveyed him by letter. That husband again took her to Talai at his native and from there Swati wrote letters and conveyed that mother-in-law asked them to reside separately or to leave their house. That Swati also conveyed that once earthen pot broke accidentally, but husband beat her. That in August 2001 i.e. at the time of Rakshabandhan, when he and his son Sagar went to meet his daughter Swati, she told him that husband beat her and she wrote letter to that extent to her uncle also. He testified that his daughter told that she faced ill-treatment from all four accused persons and that she requested this witness to search job for both of them and even handed over their educational certificates. He further testified that on 24-09-2001, news was received that Swati was serious. He made phone call to one B.D.Patil of Talai and learnt that his daughter died due to poison and so he went there. That post mortem was already done. He lodged report exh.56 alleging abetment of suicide by giving physical and mental torture.

There is extensive **cross-examination** and therefore, only relevant cross-examination is reproduced wherein he has admitted

that he was merely suspicious about death and he does not know how she going poisoned. He has admitted that first occurrence took place with his daughter during stay at native i.e. Talai and at that time husband appellant did not have job. He answered that even during second occurrence, his daughter stayed at Talai but appellant husband worked at Dombaon. He answered that in the month of February 1998 appellant husband came to reside back at Talai and that was the first occasion after marriage and he had stayed for three months. Again he stated that in January 1999, appellant came to reside at Talai. He further admitted that on first occasion of stay of accused after marriage, his daughter Swati was with him, but in 1999 she was not with him. His such answers suggest that she was put up with PW4 father. He answered that after 3-4 months of his second stay at Talai, accused put up demand of Rs.40,000/- but again corrected himself and stated that after six months of his second stay i.e. in the month of June 1999, he put up demand directly by approaching him at Pune. Then he stated that incident might be of June or July 1999. He admitted that his daughter Swati requested him to arrange job for appellant. In paragraph 14, he is unable to state to whom Rs.40,000/- was intended to be paid by appellant husband. He admitted that in letter of his daughter dated

27-05-2001, which is at exh.50, she had asked to find job for her also at Pune. He admitted that exh.51, which is a envelop, bears postal date as 12-06-2001 and he answered that in exh.50, his daughter conveyed that she was made to work by mother-in-law in the field in the job of sowing for two days and therefore, her hands are swollen and she would also be made to do household work. He admitted that in exh.57 Swati had written that there is “happiness” at Talai. He admitted that exh.55 is the last communication from his daughter Swati. He also answered that lastly Swati left for Talai from his house on 16/17th May 2001 and he went to meet her at Talai during Rakshabandhan, but thereafter, he could not meet her and he had direct talks with Rajendra on 16/17th May 2001 at Chinchkheda.

Following omissions are brought about meeting taking place between him and accused no.1 at Jamner and at Chinchkheda. He admitted that after scribing complaint, its contents were read over to him but he answered that he had not made any complaint about absence of such facts in the FIR. He also admitted that there was no demand of dowry from accused. Rest is all denial.

9. Another important witness for prosecution is **PW8** Pundlik, uncle of deceased Swati, who at exh.84 deposed that after marriage,

appellant and his niece Swati cohabited at Pune for two years. That they both lost job and therefore, they went back to Talai where she resided with her in-laws and husband. According to him, while they both resided at Pune and at Talai, Swati used to visit him at Pune. That her married life was not happy. That she used to face ill-treatment, **but he could not state how**. He deposed that once he received letter from Swati while she stayed at Talai, which was a post-card, wherein she wrote that she faced ill-treatment at the hands of mother-in-law and beating at the hands of husband. Said post-card is at exh.55 wherein it was written that once earthen pot broke and therefore, husband rebuked her and beat her. He handed over said post-card to Police. He received message that Swati was serious and thereafter, message was received that she was dead.

While under **cross-examination**, this witness answered that after receiving exh.55, he did not approach Police, but he did feel that life of Swati was in danger. He admitted that he did not inform his brother i.e. father of Swati about receipt of letter or to bring her back from Talai nor suggested to go and meet her. He admitted that after receipt of letter, he could meet Swati at once in Pune but he is unable to state when and after how many days of receipt of letter and in which month. He admitted that exh.55 bears seal of **Jalgaon**

and he is unable to assign reason why seal of **Post office Jalgaon** is appearing on post-card. He also admitted that author or writer of the letter did not write date on the letter. Rest is all denial.

Above is the evidence of relatives.

10. Now, evidence of independent witnesses needs to be appreciated i.e. **PW9** Kantabai Ram Jadhav and **PW10** Sulbha Shivaji Bodakhe.

PW9 Kantabai, neighbour, at exh.86 deposed that she knew appellant and his wife. That they resided in a room in her ward Yamunanagar, Pune for 2-4 months. According to this witness, twice, thrice, Swati came running to her house due to beating by her husband. That on the first occasion, she reported beating for trifle reason. That on the second occasion, she asked to be saved as her husband beat her on the point of giving **breakfast and tea**. That she and other ladies gave understanding to him.

While under **cross-examination**, she stated that she never met father of Swati. That Police never recorded her statement, but stated that they merely made enquiry with her. She admitted that she did not feel it necessary to inform incidences to Police about saving life of

Swati nor she felt it necessary to inform it to father of Swati. She answered that only when Police came, she learnt about death of Swati i.e. after one month of death and she admitted that she did not tell Police that on two occasions Swati had asked her to save her. Rest all suggestions, she told that she is unaware about education, family of Swati, to which caste she belongs to. She is unable to give dates and month of incidences reported to her by Swati.

PW10 Sulbha stated that house of appellant and Swati was 5-10 minutes walk from her house. That she knew Swati even before marriage as her uncle resided in her neighbourhood. She deposed that she could hear quarrel between accused and deceased and so felt that there married life was not happy. That she used to hear shouts and abuses and accused and cries of Swati. That once she peeped from window and saw Swati being beaten by appellant and on next day Swati told her that husband beat her.

While under **cross-examination**, omission is brought that Swati was on visiting terms with her. She answered that accused no.1 did not like her visits to her house and she admitted that he used to ask her not to peep in their house. According to her, accused did not treat this witness well but Swati treated her well and due to affection with

Swati she came to depose.

11. Prosecution has also sought reliance on letters allegedly written by Swati to her father as well as her uncle i.e. exhibits 50, 55 and 57. The said letters were admittedly sent to handwriting expert of which positive opinion has been received.

It would be apt to reproduce the translated version of letters written by Swati, which are at exh.50, 55 and 57.

“Exhibit Q-3

Exhibit: 50

27-05-2001

Greetings to mom and dad from Swati.

Reason for the letter is, missed you all. So, I am writing the letter. Nikhil remembers everyone. On the day when mother and Sagar were coming to Pune, received call from Daji (elder sister's husband). Mother-in-law and I, we both are not in good terms with each other. Mother-in-law says, either she will not stay in this house or I will go somewhere else. Dada please find work for him and me. We are ready to work. Please do this for me, I don't want anything else. I will never forget your gratitude. Mother-in-law says as sowing has started so I will send you to field. As I went to the field for two days, my hands became swollen. If I stay with my mother-in-law, she will send me to the field and make me do household works too. Dada please think of me. At least think of Nikhil. Pune's uncle said about that workshop, why not looking in that workshop? I really hope you will do something for me.

Greetings to mom and Dad. Blessings to Sagar.

Your daughter
Sau. Swati Patil

Signature of Panchas Date: 01/10/2001

- 1) Chaudhary
- 2) Sheikh Nawab.”

“Exhibit Q- 1

Exhibit: 55

Greetings to Uncle and Aunt from Swati.

Reason for the letter is, I had written two to three letters to Dada, but not a single letter from Dada. Second thing that, my mother-in-law is babbling always. Leave that. Even your son-in-law comes to beat me for some petty issues. As earthen water pot broke out by me, he was hit hard in my stomach. He was strangling me and beating me, and they said that because you have a son, you are worth it, otherwise, who asks you (in this house). Tell me Uncle what can I do? Is Jyoti's exam over? Please inform whether Bharathi's college has opened?

Your daughter

Sau. Swati

Signature of Panchas Date: 01/10/2001

- 1) Chaudhary
- 2) Sheikh Nawab.

Before me,
sd/-
API, Kasoda,
P.S. Camp, Pune.”

“**Exh. Q-2**

Exh.57

Greetings to Dada and Aai, from Swati.

Reason for the letter is, we reached safely here. Don't worry. Don't be angry even if there is late for letter. Sushil bhau and Amrut are coming on 7th. Please send Niranjani's toy (Gadi) and there are toe rings at the velvet purse of Mai, send them too. We reached at 8.15 on Sunday. I waited for your call, but your call did not come. All is happy here. Please send Rs.10,000/- to

Amrit or Sushil if possible. We will not hold your money for long time. Cotton was sold but the rest of the money was cut off by the society and I am telling you this because of the difficulty. But preferably send money to Amrit or Sushil and convey me the date of House warming ceremony. How is the study of Sagar and Mai? Convey me the result of Mai if it is declared? I want to tell Sagar to study hard, as the exam is one month away. Niranjana was continuously crying for two-three days. Everyone's faces seemed new to him. There is a programme on 7th on the occasion of Dharmabeej at our place. Every year 100 to 200 people have food from us on this day. I miss you all. For two or three days I was bored. Niranjana's health is fine. Pratibha Akka will go on 11, 12th to his home at Sonwad. Their salary will start in the month of March. Greetings to Dada and Aai from Swati. All is well here. Don't worry. Blessings to Sagar and Mai. Send a reply to the letter as soon as the letter is received. Sorry for any mistake.

Yours daughter

Sau. Swati Rajendra Patil

Exhibit No. 57

Proved by PW-1

Bhagwat

sd/-

05.05.04

4th Adhoc ASJ"

(As translated by Sr. Translator, High Court, Aurangabad)

ANALYSIS

12. On carefully sifting evidence of PW4 Bhagwat, father and PW8 Pundlik, uncle, it is clearly emerging that marriage of appellant husband with deceased Swati is of 01-05-1997. **PW4** Bhagwat, father's evidence shows that, that time appellant husband as well as his daughter were at job where father himself resided. He deposed

that after 8-10 days after marriage, his daughter was beaten and driven out of her house, but he himself went and dropped her back to appellant no.1. Then he stated that his daughter used to come and tell him about beating. When this beating was given has not been clarified by him. He alleges that appellant no.1 made her quit the job, but then stated that when she went for Diwali at Talai with husband, her employer sought her resignation and therefore, they shifted to Yamunanagar. Then he stated that **“once she came and told that appellant husband beat her by catching her hairs”**, but when such episode happened is not clarified by him. Then he alleges beating for not giving breakfast to mother-in-law, but even when this episode took place has not come on record. He then further stated that accused lost his job and after staying at Pune for some period, they came back to Talai and from there, she wrote letters to him and his brother and he claims that there she faced ill-treatment at the hands of parents-in-law, sister-in-law and husband. What was the exact ill-treatment, its form and by which of the accused, has not been stated. Rather he levelled general, vague and omnibus allegations in that regard. He is also not sure about demand of Rs.40,000/- because, he deposed that there was demand of said amount for getting employment or for business. All this he claims to

have learnt on the basis of letters received in 1998. In June 1998, they both came to Pune as job for appellant was arranged in an educational institution and during their stay at Rubinagar, he alleges that Swati was facing beating for getting less salary and such fact was told by Swati to his brother Pundlik i.e. PW8 and not directly to him.

13. He claims that because of severe beating, she was treated, but there is no supportive material about injuries and receiving treatment. Admittedly, appellant and deceased had a baby boy, who was delivered in April 1999. Paragraph 10 of his cross-examination discussed above shows that he had visited Swati in August 2001 at the time of **Rakshabandhan** and he alleges that husband beat her, but also stated that during such visit, both his daughter and accused husband requested him to arrange job for both of them and even received their educational qualification certificates. Apparently he has not questioned appellant husband for beating.

Directly news was received about Swati to be serious on 24-09-2001. Therefore, after the festival of Rakshabandhan in August month, during the end of month of September, news was received. Resultantly, there is a gap of almost one month since informant met his daughter. He has admitted in paragraph 16 of

cross-examination that after Rakshabandhan he could not meet his daughter. Such answers clearly show that general and vague allegations of offence under Section 498-A of the IPC are directed against husband intermittently and not consistently. As stated above, except letters, which were allegedly source of information, there is nothing substantial in support of allegation of beating. Apparently only one instance of beating is quoted i.e. after 8-10 days of marriage.

14. **PW8** Pundlik, uncle of deceased, in examination-in-chief itself has merely stated that marital life of Swati was not happy and that she faced ill-treatment, **but he cannot say how**. He once received post-card letter from her. Therefore, PW8 brother of PW4 informant and uncle of deceased Swati, is apparently not deposing in the manner in which his brother PW4 has deposed. He has also not stated what PW4 stated that because of beating, his brother went and brought her to his place or that after beating she went and stayed with him. Consequently, there is no corroboration to the testimony of PW4 informant from his own brother PW8, who in examination-in-chief itself is unable to state manner or reason of ill-treatment.

15. As regards to evidence of PW9 Kantabai is concerned, this neighbour make a vague allegation that twice thrice Swati came to her on account of beating by husband for trifle reasons, but in cross-examination, she admitted that Police did not record her statement and she admitted in paragraph 4 of cross-examination that she did not tell Police that on such occasions of beating Swati told her to save her.

16. Likewise PW10 Sulbha merely deposed about quarrel and therefore, she formed opinion that married life of Swati was not happy. She is unable to give background of the quarrel.

SUMMATION

17. To sum up, oral evidence of PW4 Bhagwat, PW8 Pundlik, PW9 Kantabai and PW10 Sulbha is either weak or full of vague, general, omnibus allegations.

18. If we appreciate the letters, which are reproduced as stated above, it is clearly emerging that letter exh.50 is addressed to PW4 father and text of the letter reproduced above shows that she merely conveyed that she and her mother-in-law are not on good terms. She

has not alleged beating by husband. On the contrary, she claims to have requested father to arrange job for both of them.

Similarly, exh.55, which is **undated** and which is addressed to PW8 uncle, she has categorically conveyed that inspite of writing 2-3 letters to PW4, her father, he had not responded. She levelled allegation against mother-in-law and stated that husband beat her on petty count. When she was beaten in not conveyed. In said letter, there is allegation of strangulating her, but PW4 father has not uttered anything of such nature.

In exh.57 addressed to father, she seems to be conveyed about reaching safely, seeking excuse for writing late letter and also conveyed that all are happy and further to send Rs.10,000/- if possible and conveyed that it will be repaid soon. Thus, vide this letter, she has also not conveyed about beating, ill-treatment or harassment at the hands of husband

Consequently, as regards to evidence in the forms of letters is concerned, two are apparently undated. In one letter, deceased seems to have conveyed her well being and happiness and only to uncle she seems to have conveyed beating on petty count. Marriage is admittedly of 1997 and one letter is of 2001. Therefore, said communication is after four years. Resultantly, allegations of beating

are not apparently continuous on incessant in nature so as to attract offence under Section 498-A of the IPC.

19. As regards to offence under Section 306 of the IPC is concerned, though consumption is of 24-09-2001, prosecution has not proved whether said consumption was accidental or suicidal. There is no material suggesting any instances amounting to abetment, inducement to commit suicide taking place at Talai either in the morning of 24-09-2001 or previous night. Admittedly on 24-09-2001, AD case was registered bearing No.23/01. To impute charge of abetment or commit suicide, roles of appellant are required to be crystallized. Going by the story of the prosecution also, presumption available under Indian Penal Code cannot be brought into play. Learned trial Court, on same set of evidence, has convicted husband alone and acquitted in-laws. Therefore, case for intervention at the hands of this Court is made out. Accordingly, I proceed to pass following order.

ORDER

- I) Criminal Appeal No.604 of 2004 is allowed.

II) The conviction awarded to appellant – Rajendra Shivaji Patil in Sessions Case No.2 of 2002 by the learned 4th Adhoc Additional Sessions Judge, Jalgaon on 26-08-2004 for the offence punishable under Sections 498-A and 306 of the Indian Penal Code, stands quashed and set aside.

III) The appellant stands acquitted of the offence punishable under Sections 498-A and 306 of the Indian Penal Code.

IV) **The bail bonds of appellant stand 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.

(ABHAY S. WAGHWASE)
JUDGE