



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

CRIMINAL REVISION APPLICATION NO. 499 OF 2004

Prakash Gopalrao Patil,
Age 47 years, Occu. Agril.,
R/o. Devagao Devali,
Tq. Amalner, Dist. Jalgaon .. Applicant

Versus

1. Mukesh Gangaram Patil,
Age 25 years, Occu.
R/o. Devali, Tq. Amlaner,
Dist. Jalgaon
2. Sow. Latabai Gangaram Patil,
Age 40 yrs., Occu. Household,
R/o. Devagao Devali, Tq. Amlaner,
Dist. Latur .. Respondents
(Original Accused)
3. The State of Maharashtra .. Respondent

Mr. C. C. Deshpande, Advocate holding for Mr. C. R. Deshpande,
Advocate for Applicant;

Mr. V. B. Patil, Advocate for Respondents No.1 and 2;

Mr. S. R. Wakale, A.P.P. for Respondent No.3

CORAM : S. G. MEHARE, J.

DATE : 03-07-2024

ORAL JUDGMENT :-

1. Heard the learned counsel for the applicant, the learned counsel for respondents No.1 and 2 and the learned A.P.P. for respondent No.3.

2. The revision application has been preferred against the judgment and order of the learned Additional Sessions Judge, Amalner, District Jalgaon, acquitting respondents No.1 and 2/accused for the offences punishable under Sections 302, 306, 448, 504 and 506 read with Section 34 of the Indian Penal Code.

3. The deceased was the daughter of the applicant. The accused were neighbours of the deceased, who died of burning. It was alleged against the accused that accused Mukhesh was singing filmy songs and blowing the whistle on seeing the deceased. He was teasing the deceased. On the day of the incident, the accused were teasing the deceased. The deceased was chit-chatting with her family members in the house. At that time, both accused raised suspicion about her character. Then, there was a quarrel between the cousin brother of the deceased and the accused. The father of the deceased tried to convince the accused. However, the accused abused them and also blew fists and kicks at them. On seeing that incident, the deceased went inside her house. Her parents were outside the house. The accused also followed her. Accused Mukhesh caught her, and accused Latabai poured kerosene on her person and set her on fire. On these allegations, the crime was registered.

4. Learned Additional Sessions Judge, Amalner appreciated the evidence of all the witnesses produced by the prosecution.

Learned Additional Sessions Judge, appreciated the fact that the father of the deceased P.W.No.3 Prakash, who was the alleged eyewitness, did not state that the accused entered into the house, poured kerosene on the person of the deceased and set her on fire.

5. Learned counsel for the complainant has vehemently argued that the learned Additional Sessions Judge did not appreciate the evidence correctly. The circumstances were not correctly evaluated. The conduct of the accused was sufficient to believe that they instigated the victim to commit suicide. Therefore, the alternative charge under Section 306 of the Indian Penal Code was proper and valid, but the learned Additional Sessions Judge erroneously acquitted the respondents/accused.

6. Learned counsel for the respondents/accused submits that there was no iota of evidence of abetment to commit suicide. The accused had no reason to tease the deceased. They never doubted her on chastity. The material witnesses did not support the prosecution. There were material omissions and contradictions in the evidence.

7. There was evidence before the Court of an incident of beating one of the witnesses, who was a relative of the deceased. There was a fight. The evidence as regards the presence of the so-called accused was missing. The learned Additional Sessions Judge

has correctly appreciated that there was no evidence of sustaining the injuries. P.W.No.6 Ashok, at whose instance the story began. The independent witnesses did not corroborate the bad character of the deceased. Hence, the learned trial Court correctly doubted the allegations against the accused that he started rumours of her bad character.

8. Evaluating the evidence led by the prosecution and the evidence adduced by the applicant, the Court is of the view that there were no errors of law in acquitting the accused. The impugned judgment and order of acquittal is free from infirmities. There are no grounds to interfere with the same.

9. Hence, the criminal revision application deserves to be dismissed for the above reasons. Hence, the order:-

ORDER

- i) Criminal Revision Application stands dismissed.
- ii) R & P be returned to the learned Additional Sessions Court.
- iii) Rule stands discharged.

(S. G. MEHARE)
JUDGE