



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

REVISION APPLICATION NO. 464 OF 2007

RAMNATH VALIBA SANAP
VS.

..APPLICANT

1] THE STATE OF MAHARASHTRA
2] DEONATH MURLIDHAR GHUGE
3] MRS. SANGEETA SUNIL SANAP

..RESPONDENTS

Adv. Sunita S. Warang a/w Adv. Satish R. Mishra for the
Applicant.

Adv. M.A. Choudhari for Respondent Nos.2 and 3.

Mr. S.A. Karmakar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 05, 2024

JUDGMENT:

- 1.** Heard learned counsel for the applicant, learned APP for the State and learned counsel for respondent Nos.2 and 3.
- 2.** By this revision, the applicant challenges the order dated 27/06/2007 passed by the learned Additional Sessions Judge, Greater Bombay, discharging respondent Nos. 2 and 3 herein under Section 227 of the Code of Criminal Procedure for the offence under Sections 498-A and 306 read with Section 34 of the Indian Penal Code ("IPC" for short).
- 3.** The applicant is the father of the deceased Sangita.

The applicant's daughter Sangita married Mangesh at Nashik on 20/12/1996. It is alleged that the husband of the deceased and her in-laws subjected her to harassment and cruelty on the demand for dowry. Respondent No.2- Deonath M. Ghuge is the father-in-law of the deceased Sangita's brother. Respondent No.3- Sangeeta Sunil Sanap is the wife of the brother of the deceased and daughter of respondent No.2. It is alleged that because of the harassment of her in-laws, Sangita attempted to commit suicide on 05/12/2004. The dying declaration of the deceased Sangita was recorded on 05/12/2004. Sangita succumbed to the injuries. Learned counsel for the applicant submitted that this is not a fit case for discharge as there are specific allegations against respondent Nos. 2 and 3 in the dying declaration of the deceased and the matter should go for trial.

4. The statements of the witnesses in the charge-sheet do not record any accusations against the present respondent Nos. 2 and 3. The material against the present respondent Nos. 2 and 3 is in the form of the dying declaration of the deceased Sangita. A perusal of the dying declaration reveals that due to some proceedings pending in the Civil Court on

account of family dispute, respondent Nos. 2 and 3 were instigating Sangita's father-in-law and mother-in-law which led to the harassment. Respondent Nos.2 and 3 were not residing with the deceased at her matrimonial home. The allegations against the respondent Nos. 2 and 3 are vague and general in nature.

5. In my opinion, the allegations being vague are not sufficient to attract the ingredients of Sections 498-A and 306 of the IPC against respondent Nos. 2 and 3. Even if the allegations are taken at their face value, except for the vague statement that respondent Nos. 2 and 3 were instigating the in-laws of the deceased Sangita who harassed her on account of the pending case involving their family, there are no materials against respondent Nos. 2 and 3 to satisfy the ingredients of the alleged offence under Sections 498-A and 306 of the IPC.

6. I, therefore, see no reason to interfere with the order passed by the trial Court.

7. The application is dismissed.

(M. S. KARNIK, J.)