



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

CRIMINAL APPEAL NO. 394 OF 2025

Mahananda Sanjay Shirgire

....Appellant

VERSUS

Birudev Vitthal Shirgire And Others

.....Respondents

.....
Mr. J.B. Paikrao h/f Mr. G.G. Suryawanshi, Advocate for Appellant
Mr. S.J. Salgare, AGP for State

.....

**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 28th JULY, 2025

ORDER :

1. By this appeal filed under Section 372 of Code of Criminal Procedure, appellant/original victim challenges acquittal of respondents No. 1 and 2 under Section 498-A, 504, 506 and 307 read with 34 of IPC and acquittal of respondents No. 3 and 4 under Sections 498A, 504 and 506 of IPC.

2. Respondents No. 1 to 4 were charged for commission of offence under Section 498-A, 504, 506, 307 r/w 34 of IPC for subjecting the victim to ill treatment. It is further alleged by the prosecution that respondent No. 3 on 01.10.2015 caught hold of the victim and respondent No. 4 poured kerosene and set her on

fire. Victim suffered 41% burn injuries in the said incident. After recording evidence of four witnesses and hearing arguments, Trial Court acquitted respondents No. 1 to 4/accused as above. Hence, the appeal.

3. Heard learned advocate for the appellant and learned APP for State.

4. Learned advocate for the appellant assailed the impugned judgment of the Trial Court contending that in spite of there being evidence of ill treatment meted out to the victim, Trial Court has erroneously acquitted accused persons of the offence under Section 498-A, 504, 506 r/w 34 of IPC and respondent No. 1 and 2 are wrongly acquitted of offence under Section 307 read with 34 of IPC. He submits that though the Trial Court has held respondents No. 3 and 4 guilty of offence under Section 307 r/w 34 of IPC, meager sentence of three years is imposed on them ignoring the fact that appellant has suffered 41% burn injuries and punishment provided under Section 307 of IPC can be extended up to life imprisonment. According to him, therefore, sentence imposed on respondents No. 3 and 4 needs interference by this Court and calls for enhancement of sentence.

5. Learned APP has submitted that appropriate orders may be passed as per the record.

6. With the assistance of learned advocate for appellant and learned APP we have perused the impugned judgment and documents placed on record.

7. We find no merit in the submission of the appellant that the Trial Court has committed an error in acquitting accused of offence under Section 498-A, 504, 506 r/w 34 of IPC as there appears no evidence for convicting the accused. Vague and general allegations of ill treatment are levelled by the appellant against accused persons. No specific date, time or place is given and therefore Trial Court is justified in disbelieving the prosecution case in respect of cruelty meted out to the appellant.

8. There is absolutely no iota of evidence against respondents No. 1 and 2 in respect of commission of offence under Section 307 read with 34 of IPC. Their acquittal is therefore justified.

9. So far as argument of appellant about enhancement of sentence imposed on respondents No. 3 and 4 is concerned, record indicates that respondent No. 3 is 65 years old and

respondent No. 4 is his wife, who is 60 years old. Respondent No. 3 has undergone heart surgery and these aspects weighed with the Trial Court while imposing sentence of three years on respondents No. 3 and 4. We do not find illegality or perversity in the approach of the Trial Court in imposing sentence of three years imprisonment on respondents No. 3 and 4. In the peculiar facts of the present case, according to us, Trial Court is justified in imposing sentence of three years imprisonment.

10. We do not find any illegality or perversity in the impugned judgment of the Trial Court. Appeal being devoid of merit is dismissed.

11. These observations shall not come in the way of respondents No. 3 and 4 while prosecuting their appeal against conviction.

(SANDIPKUMAR C. MORE, J.)

(NITIN B. SURYAWANSHI, J.)