



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.560 OF 2003

The State of Maharashtra
Through Police Station, Sindkhed,
Tal. Mahagaon, District Nanded

Appellant

Versus

Pradeep Shankarrao Paratkar
Age : 22 yrs, occ : agri.,
R/o Saifal, Taluka Mahur,
District Nanded

Respondent

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Mr. A.V. Lavte, A.P.P. for the appellant-State.
Ms. Rekha Mohale, Advocate holding for Mrs. S.S. Choudhari,
Advocate for the respondent.

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**CORAM : SANDIPKUMAR C. MORE AND
MEHROZ K. PATHAN, JJ.**

Reserved on : 24.09.2025
Pronounced on: 25.09.2025

JUDGMENT (Per Sandipkumar C. More, J.) :

1. The appellant State has preferred this appeal against the acquittal only to the extent of respondent Pradeep i.e. the original accused No.1 in Sessions Case No. 63 of 2011. He is acquitted of the offence punishable under Section 302 of the Indian Penal Code (for short, "I.P.C.").

2. As per the prosecution case, victim Chanda was legally wedded wife of respondent and their marriage took place on 09.05.1999 i.e. two years prior to the incident. Chanda died due to poisoning on 12.02.2001. After her death, her mother Dagdubai i.e. the informant and also PW-1 lodged report against the respondent Pradeep and his mother Kausalyabai, brother Ramesh and wife of Ramesh by name Shobha alleging that all of them harassed Chanda on account of bringing amount of Rs. 10,000/- for starting a shop and on non-fulfillment of the same, she was subjected to mental and physical cruelty. Dagdubai also claimed that when they received information about Chanda's death due to poisoning, they immediately rushed to the hospital and there they noticed marks of violence in form of injuries on her person. Accordingly, on the complaint of Dagdubai Crime No.13/2001 was registered against all the accused for the offence punishable under Section 302 and 498-A read with Section 34 of I.P.C.

3. Learned Sessions Judge, Nanded i.e. learned trial Judge conducted trial and thereby acquitted all the accused of the charge under Section 302 read with Section 34 of I.P.C. However, respondent Pradeep was convicted for the offence

punishable under Section 498-A of I.P.C. and sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.500/- with default clause. It appears that respondent was in jail since 13.02.2001, and therefore, on the day of pronouncement of impugned judgment i.e. on 10.04.2003, he must have undergone the awarded punishment of imprisonment. Thus, the present appeal is only in respect of acquittal of respondent i.e. original accused No.1 for the offence punishable under Section 302 of the I.P.C.

4. Learned A.P.P. vehemently argued that death of Chanda was unnatural since she died due to poisoning. Further, it was alleged by the informant as well as grandfather of deceased that when they went to see Chanda in the hospital, they observed marks of violence on her body in form of injuries to her left cheek, right side hip joint and blood was also oozing from her nose. As such, learned A.P.P. submits that all the accused must have harassed Chanda mentally and physically and respondent Pradeep administered poison to her. As such, he prayed for reversal of acquittal of respondent/accused.

5. On the contrary, learned counsel for the respondent/accused supported the impugned judgment and

contended that there is no evidence against the respondent of causing any sort of beating to Chanda just before her death. Moreover, the circumstances indicate that Chanda had in fact committed suicide by consuming poison. As such, she prayed for dismissal of appeal.

6. Heard rival submissions. Also perused the record and proceeding of the sessions case alongwith the impugned judgment.

7. Though the appeal is filed for challenging acquittal of the respondent from the charge under Section 302 of I.P.C. but it is significant to note that he has been convicted for the offence punishable under Section 498-A of I.P.C. for which he appears to have undergone the imprisonment of two years awarded to him. Further, the other accused are also acquitted of all the charges levelled against them. Under such circumstances, question before us is as to whether the respondent had administered poison to victim Chanda and committed her murder.

8. The prosecution, in support of the charge levelled against the respondent under Section 302 of I.P.C., has examined only four witnesses. Since the death of Chanda

due to poisoning is not disputed, the inquest panchnama, postmortem report, seizure of tin of insecticide, are not disputed by the defence. Prosecution has claimed that Chanda died due to homicidal death mainly on the ground that when PW-1 Dagdubai and PW-3 Narayan i.e. grandfather of deceased Chanda noticed injury marks on the person of Chanda, and therefore, they must have felt that respondent had administered poison to Chanda. However, though these witnesses have stated about noticing injuries on the person of deceased Chanda, but the postmortem report at Exh.52 on record which is admitted by defence, does not show presence of any external injury on the body of Chanda. On the contrary, column No.17 of postmortem report (Exh.52) indicates that there were no external injuries found on the person of deceased Chanda. Further, inquest panchnama (Exh.45) also does not disclose any injuries on the person of deceased as stated by PW-1 Dagudbai and PW-3 Narayan. F.I.R. (Exh.32) lodged by PW-1 Dagdubai itself indicated that she received the information that Chanda had consumed poison and she was serious. In this background it can safely be inferred that Chanda must have committed suicide by consuming poison having been fed up of the ill-treatment at the hands of respondent Pradeep i.e. her husband. There is

absolutely no evidence on record to show that respondent had administered poison to her.

9. After going through the entire judgment, it appears that learned trial Judge has correctly appreciated the evidence on record and acquitted the respondent/accused from the charge under Section 302 of I.P.C. As such, we do not find any merit in the appeal and accordingly it stands dismissed.

(MEHROZ K. PATHAN)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE