



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

CRIMINAL APPEAL NO. 590 OF 2025

Vandana Narhari Govande,
Age : 40 Years, Occ. Household,
R/o. Wadi Bu. Tq. And Dist. Nanded ..APPELLANT
(Ori. Informant/Victim)

VERSUS

1. The State of Maharashtra,
Through Bhagyanagar Police Station,
Nanded.
2. Prashant Narhari Govande,
Age : 33 Years, Occ. LIC Agent
3. Narhari Bitthal Govande,
Age : 24 Years, Occ. Household,
4. Savita Prashant Govande,
Age : 45 Years, Occ. Household,
5. Amrapali Bharatbhushan Govande,
Age : 45 Years, Occ. Household

Respondent Nos. 2 to 5 are
R/o. Jetwannagar, Taroda (Bk.)
Nanded.

..RESPONDENTS

...
Advocate for the Appellant : Mr. Ak. Amoodi A.M.
h/f Mr. G.R. Syed
Addl. Public Prosecutor for Respondent/State : Mr. A. V. Lavte
....

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

DATED : 1st OCTOBER, 2025

JUDGMENT (PER SANDIPUKMAR C. MORE,J):-

1. The appellant i.e. original informant/victim in Sessions

Case No. 93 of 2018, has challenged the acquittal recorded by the learned Sessions Judge, Nanded, (hereinafter referred to as “the learned Trial Judge”) in the said case vide judgment and order dated 13.06.2025 of the present respondent Nos. 2 to 5 (original accused) from the offences punishable under Sections 307, 323, 328 read with Section 34 of the Indian Penal Code. According to the appellant, the learned Trial Judge should have convicted respondent Nos. 2 to 5 under the aforesaid charge.

2. As per the prosecution story, the appellant i.e. second wife of respondent No.3 Narhari vide report lodged by her on 27.10.2025 with Bhagyanagar Police Station, Nanded, alleged that Narhari left his first wife Kamal and in the year 1999 performed second marriage with her. However, she was not able to deliver a child and therefore, they adopted a girl child namely, Komal. Subsequently, respondent Nos. 2 to 5 started quarreling with her on property dispute. They physically and mentally harassed her and finally on 21.10.2015 they assaulted her and forcibly administered poison to her and thereby attempted to kill her.

3. The learned Trial Judge conducted the trial by examining in all six witnesses including the appellant and acquitted

respondent Nos. 2 to 5 accused.

4. The learned counsel for the appellant vehemently argued that, appellant herself had given evidence as to how respondent Nos. 2 to 5 harassed her and on the day of incident, forcefully administered poison to her and thereby attempted to kill her. According to him, the chemical analysis report on record established the fact that poisonous substances Organo phosphorus insecticide Quinalphos and petroleum Hydrocarbon were detected. Further, she was admitted in the hospital after the incident and therefore, there was delay in lodging the report. Thus, according to him, the prosecution had already justified the delay. As such, he prayed for converting acquittal of respondent Nos. 2 to 5 into conviction under the charge levelled against them.

5. The learned A.P.P. submits that, the State has not filed any appeal against the acquittal and there is no proposal pending for the same.

6. After going through the impugned judgment, it appears that the learned Trial Judge has acquitted respondent Nos. 2 to 5 mainly on the ground that there was delay in lodging the F.I.R. by the appellant/informant and that the evidence of appellant failed to establish the guilt of the accused beyond all

reasonable doubts. We have gone through the impugned judgment carefully. It appears that the prosecution has examined in all six witnesses, out of which, PW-2 Akash Gangadhar Dhawale is the panch of spot panchnama (Exh.60). There is no dispute regarding the spot of incident being the house of appellant/informant. Further, PW-3 Milind Dhawale and PW-4 Balaji Dhudhmal are the relatives of Vandana and they learnt about the incident in Bhagwati Hospital, from informant Vandana only. As such, the evidence of PW-3 and PW-4 being hearsay in nature, is not helpful to the prosecution to establish the actual incident of forceful administration of poison.

7. So far as the evidence of appellant Vandana is concerned, she has stated that she married with respondent Narhari in the year 1999 and since she was not able to conceive, the accused were harassing her, by calling her “*Wanzoti*”. However, it is significant to note that since 1999 to the date of incident, i.e. 21.10.2015, not a single complaint is there on record, either by appellant Vandana or her close relatives in respect of alleged harassment. So far as main incident of 21.10.2015 is concerned, Vandana has deposed that there was quarrel between her and the respondents/accused on account of property as well as her incapability to conceive. Accused

Narhari instigated other accused to finish her, by administering poison. Then respondent Prashant, forcibly fell her down, and put his legs on her both hands, then one Sudha and accused Amrapali caught hold her both legs and accused Savita brought poison and handed over to accused Prashant. Then one Suresh instructed Prashant to administer poison to Vandana and then accused Prashant with the help of other accused forcibly administered the said poison to her. She also stated that all the accused assaulted her with kick and fist blows and thus she became unconscious.

8. It is a matter of record that Vandana was admitted in Bhagwati Hospital from 21.10.2015 to 26.10.2015. Further, it is not disputed that she regained consciousness in the said hospital on 22.10.2015, but till 27.10.2015, she did not lodge any report of the incident to police. Even it is surprising that, despite knowing the incident on 22.10.2015, her close relatives, including P.W-3 and P.W.-4 also did not utter a single word nor they tried to lodge report of the incident with the police. As such, not lodging the report of the incident for about five days after the incident by the appellant, or her close relatives, is definitely suspicious.

9. The prosecution has also examined PW-5 Doctor

Shriniwas Laxmanrao Sangnor, who had an opportunity to examine the appellant. According to his evidence, the appellant was brought to the hospital with complaint of Vomiting due to consumption of poisonous substance and accordingly he had informed Bhagynagar Police Station by sending MLC dated 22.10.2015. He also gave primary treatment to the appellant, in order to stop vomiting. According to him, he did not find any poisonous substance and therefore, appellant was shifted to general ward. Admittedly, stomach wash of Vandana was taken, which was referred to chemical analysis. He then deposed that on 26.10.2015, appellant was discharged. In the cross-examination of this witness, it has come on record that he had recorded the history of consumption of poison, as per say of the appellant. However, he has not stated anything that appellant/informant had, in fact, told him that the accused forcibly administered poison to her. As such, though appellant/ informant belatedly stated in her report against the respondents/accused, but she did not state so, while giving history at the time of her admission. PW-5 Dr. Shriniwas has admitted that at the time of admission, appellant was conscious, and therefore, he asked history of the incident, but she never told him that respondents-accused compelled her to consume poison by applying force. This is

definitely contrary to the evidence of P.W.-3 and P.W.-4, who stated that at the time of her admission, she was unconscious and only on the second day of incident i.e. on 22.10.2015, she regained consciousness. Considering such evidence from doctor and the delay caused by the appellant in reporting incident to the police, has definitely rendered the case of prosecution doubtful.

10. The learned Trial Judge, by considering all these discrepancies and the delay in lodging the report, has acquitted the respondents-accused. Thus, by considering the observations of the learned Trial Judge, it appears that the learned Trial Judge has taken possible view based on the evidence, which definitely fell short to establish the guilt of the accused. Under such circumstances, we find that the present appeal is devoid of merits and accordingly the same stands dismissed.

(MEHROZ K. PATHAN)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE

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