



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 879 OF 2006

1. The State of Maharashtra
Through Police Station Yusuf Wadgaon,
Through Bajarang Gynadeo Jadhav
R/o. : Sarasa, Tq. & Dist. Latur

... Appellant
(Ori. Complainant)

VERSUS

1. Khandu @ Shriram Sanjay Palkar,
Age : 25 years, Occ. : Agri.,
R/o. : Somnath Borgaon, Tq. Kaij, Dist. Beed
2. Sanjay s/o. Mohanrao Palkar,
Age : 60 years, Occ. : Nil,
R/o. : as above
3. Parimalabai w/o. Sanjay Palkar,
Age : 55 years, Occ. Nil,
R/o. : as above

... Respondents
(Ori. Accused)

...
Mr. Rajdeep D. Raut – APP for Appellant, State
Ms. Ashwini A. Lomte – Advocate for Respondent No.1

....

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 28.02.2025

JUDGMENT :

1. The appellant/State has challenged the acquittal of present respondents/accused from the offence under Section 498-A, 306, 504 read with 34 of the Indian Penal Code recorded by the learned I Adhoc Additional Sessions Judge at Ambajogai, Dist. Beed

(*hereinafter referred to as “the learned Trial Court”*) in Sessions case No.43 of 2004, under the judgment and order dated 29.09.2006. Appeal is already abated against respondent Nos.2 and 3 being dead.

2. According to the case of prosecution Rajeshree who was the daughter of complainant – Bjarang Dnyandeo Jadhav got married with present respondent No.1 – Khandu i.e. accused No.1 on 26.05.2001. She was initially treated properly by all the respondents/accused but then they started demanding Rs.50,000/- from her for various purposes such as digging of bore well, starting grocery shop and purchase of motor cycle. On non fulfillment of their demand they used to beat and abuse Rajeshree. Rajeshree told about her such ill-treatment to her parents whenever she used to come to their house. Complainant – Bjarang i.e. father of Rajeshree had even paid amount of Rs.15,000/- to the accused towards the partial fulfillment of the alleged demand. However, accused No.1 – Khandu after returning from Pune told the complainant that he had purchased old Bajaj M-80 bike with the amount of Rs.15,000/- and then demanded the remaining amount of Rs.35,000/-. Accused No.1 – Khandu had even said that he would keep Rajeshree with him only when

the aforesaid amount is paid. On the very next day the accused sent back Rajeshree to the house of complainant. However, the complainant alongwith his brother went to the house of accused and requested to keep Rajeshree. The accused again demanded the amount from them and on showing inability they abused the complainant. Later on due to intervention of family members somehow Rajeshree was taken to the house of accused but on 21.01.2004 complainant – Bajarang i.e. father of Rajeshree received information about suicidal death of Rajeshree by hanging herself. Accordingly, the report was lodged against the accused and the present crime was registered. However, the learned Trial Court after conducting the trial acquitted the accused from the aforesaid charge leveled against them.

3. Learned A.P.P. submits that though the witnesses from parental side of deceased Rajeshree deposed as per the prosecution story and also corroborated with each other but the learned Trial Court erroneously disbelieved their evidence. He also pointed out that Rajeshree committed suicide only within two years of her marriage and despite evidence laid by the prosecution witnesses establishing the fact that accused were demanding amount of Rs.50,000/- and on non fulfillment of the same causing

ill-treatment to deceased Rajeshree, the learned Trial Court by ignoring the same wrongly acquitted them. As such, he prayed for reversal of the judgment delivered by the learned Trial Court and conviction of the accused.

4. On the contrary, learned Counsel for the respondents/accused supported the judgment of the learned Trial Court. According to her Rajeshree committed suicide as she was not happy with the poor financial condition of the accused specially when financial condition of her father was so strong. Even the financial condition of her married sisters was also sound than her. She pointed out that the prosecution witnesses who supported the case are from same family and therefore, they were bound to depose against the accused. According to her though the house of accused was situated in slum area which was highly populated, no single independent witness is saying that deceased Rajeshree was being ill treated by the accused. She pointed out the admission given by the Investigating Officer whereby it has come on record that though the Investigating Officer recorded the statements of neighbouring persons of the accused about the alleged ill-treatment of Rajeshree but they did not disclose any such ill-treatment. According to her though it was the case of

prosecution that *Police Patil* of Somnath Bargaon had given understanding to the accused for not causing harassment to the deceased Rajeshree but the statement of said *Police Patil* was not even recorded. Thus, she lastly submitted that Rajeshree was not happy with financial condition of the accused and therefore, might have committed suicide without being ill-treated. Thus she prayed for dismissal of the appeal.

5. Heard rival submissions and also perused the record and proceeding alongwith the impugned judgment.

6. On going through the record it appears that the prosecution has cross-examined in all seven witnesses, out of them P.W. 1 – Bajarang Dnyandeo Jadhav is the father of deceased Rajeshree who had lodged the complaint (Exhibit-23). P.W. 2 – Bhagwan Bajirao Pawar is another son-in-law of the complainant. P.W. 3 – Nandak Sopan Sonwane, P.S.I. who had registered the A.D. on the report of accused No.1 – Khandu and also recorded the complaint (Exhibit-23). P.W. 4 – Sunita Anant Jadhav is the aunt of deceased Rajeshree whereas P.W. 5 – Annasaheb Gyandeo Jadhav is the uncle of deceased Rajeshree. P.W. 6 – Minabai w/o. Bhagwanrao Pawar is the cousin sister of deceased Rajeshree and lastly, P.W. 7 – Ashok Radhakishan Amble, A.P.I. is the Investigating Officer. The

suicidal death of Rajeshree is not disputed. Though according to the prosecution there were suspicious circumstances on the spot of incident such as scratch mark on the neck of deceased and blood on the bed cover, however on perusal of post mortem report no injuries except the ligature mark were found on the person of deceased Rajeshree. Further, though the bed cover having blood stains was seized from the spot but it was not tested through Chemical Analyzer. In absence of the same, it cannot be inferred that prior to committing the suicide deceased Rajeshree was beaten by the accused which led her to commit suicide.

7. It is significant to note that all the witnesses for the prosecution are close relatives of the deceased and no independent witness is examined by the prosecution about alleged ill-treatment to the deceased at the hands of accused. Even the evidence of family members of the deceased suffers from the addition and contradiction. P.W. 3 – Nandak Sopan Sonwane, P.S.I. has also brought so many omissions on record in the statement of complainant – Bajarang. On going through the cross-examination of this witness it has come on record that Bajarang had not stated vital facts about his visits to the house of accused and in respect of alleged demand of Rs.50,000/- by the accused and about the ill-

treatment by them to the deceased Rajeshree. On going through the admissions given by all the family members of deceased it has definitely come on record that financial condition of accused was so poor that they had to reside in slum area. It has come on record in the cross-examination of complainant – Bajarang that they were having joint family of four brothers and his brothers were doing business of floor mill, grocery shop and agricultural business. Moreover, they were also having truck and tractor in their family. Thus it can be inferred safely that the financial condition of family members of deceased Rajeshree was too sound as compared to the financial condition of the accused. Not only this but the married sisters of deceased Rajeshree were also given in rich families and her cousin – Minabai also got married in the rich family. It is significant to note that the defence of the accused is that Rajeshree committed suicide as she was unhappy with their financial condition and her marriage was performed with accused No.1 – Khandu against her will. It is to be noted here that though the suggestions given to that effect to the prosecution witnesses are denied, but from other admissions it has clearly brought on record that the financial condition of the accused was too weak as compared to the financial condition of the parents of the deceased

and even her married sisters.

8. It is significant to note that no fresh injuries or old injury marks were found on the person of deceased Rajeshree except the ligature mark. Therefore, it can be safely inferred that soon before commission of suicide she was not beaten by the accused. Moreover, it is extremely important to note that the Investigating Officer has stated that though he recorded the statements of neighbours of the accused family but they did not support the theory of prosecution of the alleged ill-treatment to the deceased at the hands of accused. Thus, in absence of such independent evidence of the ill-treatment of the deceased it would be difficult to record the conviction against the accused under the charge leveled against them. On the contrary, the defence raised by the accused appears probable that the deceased Rajeshree might have committed suicide as she was unhappy with the financial condition of the accused. Therefore, considering all these aspects the acquittal recorded by the learned Trial Court appears justified. The respondents/accused are definitely entitled for benefit of doubt and therefore, no interference is required in the impugned judgment of the acquittal. As such, the appeal stands dismissed.

[SANDIPKUMAR C. MORE, J.]