



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

CRIMINAL APPEAL NO. 468 OF 2009

The State of Maharashtra
Through Sangamner Taluka Police Station
Cr.No.I-17/2005Appellant

Versus

- 1) Balasaheb @ Bhaurao Raghunath Bhujbal
Age: 30 years.
- 2) Raghunath Bhaurao Bhujbal
Age : 60 years.
- 3) Anusaya Raghunath Bhujbal
Age : 55 years,
All R/o. Sakur, Tq.Sangamner,
Dist.Ahmednagar.
(Appeal is dismissed against respondent
nos.2 and 3 by order of this Court
dated 10-09-2009)Respondents
(Ori. Accused)

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APP for Appellant : Mr.V.S.Badakh
Advocate for Respondent no.1 : Mr. R.D.Bhalerao
.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 09 OCTOBER, 2025

JUDGMENT :-

1. This is a State appeal by which judgment and order dated 11-08-2008 of acquittal passed by learned Ad-hoc Assistant Sessions Judge, Sangamner, District Ahmednagar, in Sessions Case No.16 of 2005 is assailed.

BRIEF FACTS OF THE CASE

2. Prosecution was launched against husband Balasaheb, father-in-law Raghunath and mother-in-law Anusaya of deceased Savita, who allegedly committed suicide by consuming pesticide on 15-03-2005. Prosecution version was that, after marriage, there was demand of Rs.25,000/- and in such backdrop, husband, parents-in-law subjected Savita to mal-treatment and harassed her physically as well as mentally. Such ill-treatment was reported by her to her parents while her visits to their house. On 15-03-2005, Savita consumed poison and accusations by her father are that because of physical and mental harassment, his daughter ended her life. On receipt of complaint to that extent by father, Crime bearing no.47 of 2005 was registered, followed by investigation and filing of chargesheet and ultimately, accused were tried by above sessions case, wherein prosecution has adduced evidence of almost nine witnesses and documentary evidence.

After recording statement of accused under Section 313 of the Code of Criminal Procedure, parties were heard, evidence was appreciated and learned trial Judge reached to finding that prosecution has failed to establish the charges against husband as well as in-laws.

State now intends to question the above judgment and order of acquittal, more particularly, confining the case to that of husband Balasaheb.

SUBMISSIONS

On behalf of appellant State :

3. Learned APP pointed out that, marriage of deceased Savita with accused no.1 Balasaheb was of 04-05-1999. That, barely after a year or so, husband and in-laws put up demand and due to its non-fulfillment, there was beating. That, there were also allegations of not doing agricultural work and such ill-treatment meted out to her was duly reported by deceased Savita to her parents. Learned APP submitted that, on 14-03-2005, PW1 Digambar, father of deceased, had been to see his daughter and at that time, his daughter had informed about ill treatment meted out to her and had requested to take her away, but she was not allowed to go and on the next day itself, news of her suicide was reported.

4. Learned APP took this Court through the evidence of PW1 Digambar Madhav Mandalik (father), PW3 Ankush Digambar Mandalik (brother) and PW7 Kamal Digambar Mandalik (mother) as well as evidence of two alleged eye witnesses i.e. PW6 Vitthal Sakharam Gund and PW8 Kailas Mahadu Kakad, who according to

prosecution had given understanding to husband and in-laws to not to ill-treat Savita. According to learned APP, their evidence inspires confidence.

5. According to learned APP, only because of cruelty meted out by accused persons, deceased had consumed pesticide and the container of pesticide was also seized at the instance of accused under memorandum of disclosure. Thus, it is his case that, there was sufficient as well as strong evidence meeting requirements of Section 498-A and 306 of the Indian Penal Code (IPC). That, there was no other reason for the deceased to end up her life as she was also mother of child. In view of both evidence on record as well as law, he questions the findings and conclusion reached at by learned trial Court and seeks indulgence by setting aside the impugned judgment and allowing the appeal.

On behalf of Respondent no.1 / accused :

6. Per contra, learned counsel for accused no.1, defends the findings and conclusion of the learned trial Court by pointing out that prosecution has miserably failed to bring home the charges beyond reasonable doubt. He also took this court through evidence of PW1 father, PW3 brother, PW7 mother of deceased and would

submit that there are general, omnibus allegations and specific roles are not defined. That instances are not quoted. Further according to him, deceased did not adjust herself after marriage and was rather insisting for residing separately with husband by leaving her in-laws and as such demand was not met, in rage of anger and annoyance, she consumed poison. He stress-fully pointed out that, there is nothing to indicate abetment to suicide and justifies order of acquittal and prays for dismissal of appeal.

ANALYSIS

7. Re-analysed and re-appreciated evidence of PW1 Digambar Madhav Mandalik, informant father at exh.28, that of PW3 Ankush Digambar Mandalik, brother at exh.35 and that of PW7 Kamal Digambar Mandalik, mother at exh.42.

On meticulous re-appreciation, it is emerging that **PW1** Digambar, informant alleges proper treatment for a period of 1 and 1/2 year after marriage and thereafter, he alleges ill-treatment on account of demand of money i.e. demand of Rs.20,000/- and subsequently demand of Rs.50,000/- and his daughter intimating them during her visits on occasion of festivals. Thus, as submitted, allegations are levelled against all accused for ill-treating without specifying form of ill-treatment. PW1 informant rather claims to

have heard from his daughter about being assaulted by father-in-law and mother-in-law at the instance of her husband, which clearly shows that no role whatsoever is attributed to husband, whose acquittal is seriously challenged before this court. PW1 father alleges that, accused made his daughter to undertake activity of removal of cow-dung and to collect grass, which she could not perform as she had no knowledge of agricultural activity. He also alleges hot altercation between deceased and accused persons without specifying its form or at whose instance and on what count. He deposed about indulging his friends namely Kakad and Gund for giving understanding and finally alleges that on 14-03-2005, during his visit to his daughter, she allegedly told him that she wanted to come with him back to their house, but he himself seems to have told that he is unable to take her due to religious ritual. Therefore, it is also not the case as submitted that she was not permitted to go her home.

PW1 informant seems to have received telephonic information about trouble to his daughter Savita by accused Balasaheb. Again what was the form of trouble is not specified and he further seems to have talked to his daughter on phone wherein he alleges beating to her since he left her village. Again who beat her is not named by him. No CDR of alleged conversation between complainant and

deceased is placed on record.

While under **cross-examination**, more particularly in paragraph 13, 14 and 19, material omissions and contradictions are brought on record on the points of ill-treatment, harassment for money, demand of Rs.21,000/- and Rs.50,000/- respectively; making Savita to do work, which she could not and it resulting into quarrels. Entire answers given in paragraph 19 show that there is clear attempt of improvising the version, which is not finding place in FIR.

8. **PW3** Ankush, brother has also alleged proper treatment but only for a period of one year, which is contrary to one stated by his father PW1 about proper treatment for 1 and 1/2 year. This witness too has levelled omnibus allegations regarding beating, but on the count of non-performance of agricultural work. He merely alleges that all accused asked his sister to bring money to the tune of Rs.50,000/- from her parents. He also makes sweeping allegations of ill-treatment and beating without specifying roles and particulars of instances.

Cross-examination of this witness in paragraph 4 is full of all such material omissions, which are not finding place in his statement under Section 161 of the Code of Criminal Procedure and he is unable to state why it is not quoted so.

9. **PW7** Kamal, mother of deceased, at exh.42 alleges proper treatment for only a year and she attributes beating to all three accused for not performing agricultural work. She also alleges demand of money, but quotes different amount than the one stated by her husband and son as according to her, there was demand of Rs.25,000/-.

Paragraph 7 of her **cross-examination** comprises of all material omissions.

10. Two independent witnesses namely **PW6** Vitthal Sakharam Gund and **PW8** Kailas Mahadu Kakad are examined, but on visiting their **cross-examination**, it is clearly emerging that they have hearsay information and they have no personal knowledge about ill-treatment to deceased at the hands of accused.

11. Again crucial dates are 14-03-2005 and 15-03-2005 as there was visit by PW1 informant to house of deceased Savita on 14-03-2005 and suicide is of 15-03-2005. But PW1 father of deceased has not stated about any harassment either physical or mental or beating to deceased by any of the accused in proximity to aforesaid dates and he merely speaks of his daughter requesting to take her back to their home. As per version of PW1 father, on

15-03-2005, there was alleged telephonic conversation with his daughter, but as stated earlier, unfortunately evidence in the form of CDR is not placed before the Court to accept such version. What happened in proximity to alleged incident of 15-03-2005 is a mystery. In view of above discussion, even with such quality of evidence on record, this Court is more than convinced that essential ingredients for attracting offence under Section 498-A of IPC are patently missing.

12. By series of judgments, Hon'ble Apex Court has reiterated that, for attracting charge under Section 498-A of the Indian Penal code, specific instances are required to be brought on record defining roles of accused distinctly. A few of them are quoted hereunder :

(i) Shobhit Kumar Mittal v. State of Uttar Pradesh and Ors., MANU/SC/1320/2025.

(ii) Ghanshyam Soni v. State (Govt. of NCT of Delhi) and Ors., MANU/SC/0807/2025.

(iii) Sanjay D.Jain and Ors. v. State of Maharashtra and Ors., MANU/SC/1349/2025.

(iv) Dara Lakshmi Narayana and Ors. v. State of Telangana and Ors., AIR 2025 SC 173.

In *Sanjay D.Jain and Ors.* (supra), the Hon'ble Apex Court in paragraph 9 observed that. "*As regards the ingredients for making out an offence punishable under Section 498-A of the Penal Code is*

concerned, the requirement is that there has to be cruelty inflicted against the victim which either drives her to commit suicide or cause grave injury to herself or lead to such conduct that would cause grave injury or danger to life, limb or health. The latter part of the provisions refers to harassment with a view to satisfy an unlawful demand for any property or valuable security raised by the husband or his relatives.”

In the case in hand, evidence in this direction is missing.

13. Observation of the Hon’ble Apex Court in *Sanjay D.Jain and Ors.* (supra), in my opinion, gets clearly gravitated as facts are almost identical for reasons stated above.

Resultantly, finding no merit in the appeal, impugned judgment is upheld by dismissing the appeal. Accordingly, following order is passed :

ORDER

Criminal Appeal stands dismissed.

(ABHAY S. WAGHWASE)
JUDGE