



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

904 CRIMINAL REVISION APPLICATION NO. 351 OF 2022

**MADHURI JAYESH BHAVSAR
VERSUS
JAYESH KESHAV BHAVSAR AND OTHERS**

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Advocate for Applicant : Mr. Patil Vijay Bhalerao
APP for Respondents/State: Mr. V.M. Jaware
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**CORAM : Y.G. KHOBRAGADE, J.
DATE : 12.12.2025**

PC.:-

1. Heard advocate Mr. Vijay Patil the learned counsel appearing for the revision applicant. The learned APP waives notice for non-applicant no.18.
2. By the present revision, the applicant/original informant challenges the judgment and order dated 29.07.2022 passed by the Additional Sessions Judge, Jalgaon in Criminal Appeal No.78/2015, thereby dismissing appeal of the present applicant/complainant against the acquittal of the respondent nos.1 to 17 for the offence punishable under Section 498-A, 506 read with Section 34 of the I.P.C.
3. It is a matter of record that, the applicant/informant was serving as an Instructor in I.T.I. at Salekasa, District Gondia. On 02.06.2010, her

marriage was solemnized with the non-applicant no.1 at Nandura. The non-applicant nos.2 to 17 are relatives of the non-applicant no.1/husband. After the marriage, the informant/applicant co-habited with her husband/non-applicant no.1 at Jalgaon and subsequently on her request the non-applicant no.1 shifted at Salekasa, where she was discharging duties. The applicant/informant alleged that, while staying at Salekasa her husband ill-treated and subjected her to cruelty on non-fulfillment of demand of dowry of Rs. One Lakh. So also, w.e.f. 18.08.2010 she had visited for co-habitation with non-applicant no.1 at Jalgaon but again she was subjected to cruelty on demand of dowry. She further alleged that she was was taunted and harassed on the ground of black complexion. On 27.09.2010, the non-applicant nos.1 to 7 mercilessly beat her. Thereafter, on 28.09.2010, when her father and brother visited at Jalgaon at that time the non-applicant nos.1 to 7 drove her out of her matrimonial house. On the basis of said report, crime no.61/2011 was registered with Jilhapeth Police Station, Jalgaon for the offence punishable under Section 498-, 506 read with Section 34 of the I.P.C. After filing of the charge-sheet the learned trial Court framed charges against the non-applicant nos.1 to 7 for the said offences.

4. In order to bring home guilt, the prosecution examined the PW1/informant, PW2-Shankarsa Takwale, father of the informant, PW3-

Umesh Takwale brother of the informant and PW4-PS.I. Mr. More the Investigating Officer. The statements of accused were recorded under Section 313 of the Cr.P.C. The accused pleaded not guilty and they never raised any demand of dowry or criminal intimidation.

5. On 10.07.2015, the learned JMFC, Jalgaon passed the judgment and order holding that in evidence the PW1-Informant herself deposed that she and accused were residing at Salekasa and the accused no.1 used to always tell taunt on her black complexion and the said marriage was solemnized against his wish. The PW1 informant admitted in cross-examination that the accused no.2 made an attempt for her transfer from Salekasa to Jalgaon. However, in DV proceedings bearing Misc. Cri. Case No.39/2011 the PW1/informant herself deposed that the non-applicants never demanded any dowry from her. So also, the evidence of PW2 and PW3 does not suggest about demand of dowry at the hands of the accused. Further, as per the evidence of PW2 and PW3 one Ganesh Tapdiya was present in the meeting held on 28.09.2010, however, the prosecution has not examined said Ganesh Tapadiya to prove said fact. The prosecution has failed to prove criminal intimidation with common intention. Therefore, all the accused persons i.e. non-applicant nos.1 to 7 are acquitted in crime no.61/2011.

6. Being dissatisfied with the judgment and order the informant/applicant filed criminal appeal no.78/2015 before the First Appellate Court. On 29.07.2022, the learned Additional Sessions Judge, Jalgaon passed the impugned order holding that, the evidence of the prosecution witnesses are not in corroboration. Per contra, the informant/PW1 herself admitted in Misc. Cri. Case No.39/2011 about not raising demand of dowry. So also, there are material contradictions about demand of dowry and cruelty against the applicant/informant and the informant/PW1 also admitted in her cross-examination in dowry proceedings about not raising demand of dowry at the time of the marriage or subsequent demand of dowry. Therefore, the appeal came to be dismissed.

7. On perusal of record, it appears that both the Courts below concurrently held that, the prosecution has failed to prove the essential ingredients of demand of dowry and criminal intimidation at the hands of the accused. Therefore, I do not find any substantial grounds to interfere with the findings recorded by both the Courts below. Hence, the revision application is dismissed.

[Y.G. KHOBRADE, J.]