



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 APPLN. FOR LEAVE TO APPEAL BY STATE NO. 249 OF 2019

THE STATE OF MAHARASHTRA
VERSUS
SHYAM RAMRAO KUTE AND OTHERS

...
Mrs. U. S. Bhosale, APP for Appellant-State.

Mr. S. A. Wakure, Advocate for Respondent Nos.1 to 8.
...

CORAM : N. B. SURYAWANSHI &
SANDIPKUMAR C. MORE, J.J.

DATE : 17th JULY, 2025

PC.:-

1. By this application filed under Section 378(1)(b) of the Code of Criminal Procedure, 1973, the State seeks leave to file appeal against judgment and order of acquittal passed by Additional Sessions Judge, Osmanabad in Sessions Case No.182 of 2014 on 4th May 2017.

2. Bhagyashree, wife of Accused No.1-Shyam committed suicide. Angad Subrao Mude lodged report on 17th June 2014, alleging that Bhagyashree was married with Accused No.1 on 27th April 2013. In the marriage he gave Rs.1,40,000/-, 2 Tola Gold and household articles. After the marriage, Accused treated Bhagyashree well for two years and, thereafter, they started ill-treating her, saying that she is not liked by them. Her father did not give proper dowry in the marriage. Accused were asking her to bring Rs.2,00,000/- from her maternal house. A complaint was made to the Women's Grievance Redressal

Forum, Osmanabad, it was subsequently compromised. Bhagyashree was carrying four months pregnancy at that time. On 16th June 2014, unknown person informed that Bhagyashree committed suicide by hanging. Hence, he lodged the FIR, claiming that Bhagyashree committed suicide due to ill-treatment by the Accused on account of demand of Rs.2,00,000/-, for purchasing a plot and construction on it.

3. In support of its case, prosecution examined eight witnesses. On assessing the evidence, Trial Court acquitted the Accused. Hence, the present application is filed by the State.

4. Heard learned APP for the Applicant-State and Mr. Wakure, learned Advocate for Respondent Nos.1 to 8. Perused the notes of evidence and the impugned judgment.

5. Record reveals that there was no allegation of demand of Rs.2,00,000/- in the application submitted before Women's Grievance Redressal Forum, Osmanabad. It is mentioned in the application that husband, mother-in-law, cousin mother-in-law and brother-in-law were beating the deceased because she was not doing work in the field and for petty reasons. On 6th May 2014, they picked up a quarrel and sent her to her parents' house. In the compromise arrived at before the forum, there is no reference of demand of money/dowry by the Accused.

6. The evidence on record further shows that Accused purchased plot at Osmanabad on 31st January 2014 itself for Rs.2,00,000/- vide sale deed Exhibit-65.

7. Prosecution witness No.5-Savita has put forth a new story in respect of seeing marks of injury on the person of Bhagyashree-deceased at the time of bathing her, asking about it and disclosure by her that Accused beat her.

8. Admittedly, Accused No.7-Netaji and Accused No.8-Ashabai were married long before the marriage of deceased with Accused No.1-Shyam and they were residing in other village. Accused No.5-Chatrabhuji and Accused No.6-Surekha were also residing separately from the other Accused. There is evidence on record that there was partition between Accused No.1 and his father. In this view of the matter, there is no substance in the prosecution case that all the Accused were beating and ill-treating the deceased on account of their demand. Trial Court has observed that the evidence on record goes to show that there was some sort of ill-treatment to the deceased, but it appears to be day-to-day upshots in the family.

9. As per the opinion given in the post-mortem report, death is due to Asphyxia due to hanging. Doctor was not examined during trial. Therefore, there is no substance in the argument of learned APP

that since broken pieces of bangles were found on the spot, the same suggests homicidal death.

10. We find that the Trial Court has properly appreciated the evidence and has assigned cogent reasons while acquitting the Accused. There is no illegality or perversity in the appreciation of the evidence by the Trial Court. No case is made out by the prosecution to grant leave to file appeal.

11. In the result, application is dismissed.

(SANDIPKUMAR C. MORE, J.)

(N. B. SURYAWANSHI, J.)