



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 1093 OF 2024

Arjun S/o Vikram Bade
Age 61 years, Occu. Agri.,
R/o Kekat Jalgaon, Tq. Paithan,
District Chhatrapati SambhajinagarAPPELLANT

VERSUS

1. The State Of Maharashtra
Through Police Station, Chakalamba,
District Beed.
2. Gahininath Ambadas Garkal,
Age 35 years, Occu. Agri.,
R/o. Ghogas Pargaon,
Tq. Shirur (K), District Beed.
3. Ambadas Dinkar Garkal
Age 67 years, Occu. Agri.,
R/o. Ghogas Pargaon,
Tq. Shirur (K), District Beed.
4. Eknath Ambadas Garkal
Age 30 years, Occu. Agri.,
R/o. Ghogas Pargaon,
Tq. Shirur (K), District Beed.
5. Narmadabai Ambadas Garkal,
Age 63 years, Occu. Agri.,
R/o. Ghogas Pargaon,
Tq. Shirur (K), District Beed.

.....RESPONDENTS
[Resp. No. 2 to 5- Orig.
Accused Nos. 1 to 4]

.....
Mr. M.S. Karad h/f Mr. S.S. Thombre, Advocate for Appellant
Mrs. Uma Bhosale, APP for State
.....

**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 24th JUNE, 2025

ORAL JUDGMENT :

1. By this appeal filed under Section 374(2) of Criminal Procedure Code, appellant challenges the judgment and order of acquittal dated 06.09.2024 passed by learned Sessions Judge, Beed, in Sessions Case No. 69 of 2019.
2. Respondents No. 2 to 5/accused were charged for offence punishable under Sections 304-B, 498-A read with 34 of Indian Penal Code and Section 4 of Dowry Prohibition Act. In support of its case, prosecution has examined seven witnesses and accused have examined two witnesses in their defence.
3. We have heard learned advocate for the appellant and learned APP for respondent-State. With their assistance perused the record.
4. It is the allegation of prosecution that there was demand of Rs. 3,00,000/- by the accused persons from the deceased and on that count ill treatment was meted out to her.

The deceased used to disclose about ill treatment given to her to informant/father, he used to give understanding to her and send back to matrimonial home. In May-2014, deceased consumed poison due to ill treatment given by accused. She was admitted at Nitya Seva Hospital for five days. After her discharge informant brought her to his house and she stayed there for nine months. Thereafter, accused took deceased back for cohabitation.

Prosecution has failed to bring on record any document or oral evidence in support of its case that deceased was admitted in Nitya Seva Hospital for consumption of poison and she was treated there. The evidence on record does not indicate that there was dowry demand. It appears that Accused No. 1 was suffering from schizophrenia and was taking treatment of DW-2 Dr. Vinayak Patil.

5. The defence of accused appears to be probable that since Accused No. 1 was suffering from schizophrenia, the deceased did not want to cohabit with him. However, informant and her maternal relatives were insisting her to cohabit with accused No. 1. Frustrated with that she has committed suicide.

6. Trial Court has properly appreciated the evidence and passed a well reasoned order acquitting the accused. We do not find any merit in the appeal. Appeal is therefore dismissed.

(SANDIPKUMAR C. MORE, J.)

(NITIN B. SURYAWANSHI, J.)