2026:BHC-AUG:51367

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.94 OF 2016

1. Manika s/o Kashinath Karhale
Age: 30 years, Occu.: Agriculture,
R/o. Village Raywadi, Tq. Vasmat,
District Hingoli.

2. Jijabai w/o Kashinath Karhale
Age: 55 years, Occu.: Household,
R/o. As above. .. Appellant

Versus

. The State of Maharashtra
Through the Police Station,
Hatta, Taluka Vasmat,
District Hingoli. .. Respondent

...

Mr. Rajendrraa S. Deshmukh, Senior Counsel a/w Mr. Hashmi Ubaid i/b Mr. Vishal A. Chavan, Advocate for the appellant.

Mr. V. S. Badakh, Advocate for the respondent/State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 22.10.2026
Pronounced on : 23.10.2026

JUDGMENT :-

1. This appeal is directed against the judgment and order of conviction dated 09.02.2016 rendered by the learned Additional Sessions Judge, Basmath in S.T No.07 of 2011 convicting appellants herein for offence under Section 307, 498-A read with Section 34 of the Indian Penal Code [IPC].

2. In trial Court, case of prosecution was that PW2 was married to appellant No.1 in 2006. For a period of initial six months, there was proper treatment, but subsequently accused used to taunt her on the ground that there were no proper honours in the marriage. That, husband insisted her to bring Rs.1,00,000/- for purchasing vehicle. On 19.08.2009, there was quarrel between her and her husband and mother-in-law, during which she was beaten with a stick. In the next morning, when she was forced to work in the agricultural field, she was again questioned for not providing fodder to the cattle. At that time, at the instigation of her mother-in-law, her husband forcibly administered poisonous pesticide to her. On her statement to Tahsildar as well as to the police Exhibit-18, crime was registered, which was investigated by PW8, who after gathering sufficient evidence, charge-sheeted accused. The accused faced trial, which ultimately ended up in conviction. Hence, the appeal.

3. Learned Senior Counsel Mr. Deshmukh would submit that there is false implication. That, prosecution has failed to prove that there was ill treatment or cruelty in the backdrop of any demand. That, moreover, there are general, vague and baseless allegations. That, medical expert has ruled out possibility of administration of poison. Even otherwise, the allegations are directed only against the husband,

however, without attributing any specific role to the mother-in-law, she too has been convicted of the offences punishable under Sections 498-A and 307 read with Section 34 of the IPC. He pointed out that very father of the complainant has not supported prosecution. He submitted that there is apparently incorrect appreciation of evidence and failure to consider settled law and hence, he prays to set aside the impugned judgment by allowing the appeal.

4. Per contra, learned APP would justify the judgment and order of conviction and prays to dismiss the appeal for want of merits.

5. Re-appreciated the entire evidence. Though as many as eight witnesses are examined, crucial evidence is of only complainant and medical officer. Rest are panchas and police officials.

6. **PW2,** in her evidence at Exhibit-17, stated the year of her marriage and deposed about she cohabiting with husband and mother-in-law. According to her, after six months, accused used to say that there was no proper honours to them in the marriage. They used to abuse her in filthy language and accused used to say that if marriage of accused No.1 would have been performed with another girl, they would have received more dowry. Husband insisted her to bring Rs.1,00,000/- for purchasing vehicle. She informed her parents,

but they expressed their inability to pay such amount. That, mother-in-law used to say that as she is unable to bring amount, she should be driven out of the house. On 19.08.2009, there was quarrel with mother-in-law and so husband beat her with stick. On next morning, again husband beat her, made her to cook food and asked her to go to agricultural field to look after the cattle. Accordingly, she went and both accused came there and they asked her why she did not provide fodder to the cattle. Thereafter, it is alleged that mother-in-law suggested to kill her and throw her dead body, after which husband administered her poisonous pesticide due to which she became unconscious. On 22.08.2009, she regained consciousness. Tahsildar recorded her statement and on next day, police also recorded her statement resulting into FIR.

. While under **cross-examination**, she admitted that both the accused cultivated agricultural land. She admitted about not informing anybody about harassment by accused and not lodging complaint of incident dated 19.08.2009. Rest is all denial.

7. **PW3,** the father, in his evidence at Exhibit-21, deposed that his daughter did not inform him anything regarding treatment given to her in her in-laws place. He flatly denied about demand of Rs.2,00,000/- and ill treatment being given to his daughter.

8. Thus what is discerned from above evidence of complainant and her father is that there are vague allegations about taunting for not giving honours in marriage, however, form of taunting is not stated and rather, it is after six months of marriage. Though she speaks of being abused in filthy language, she has not narrated the actual words. Though she alleged that her husband had insisted her her to bring Rs.1,00,000/- for vehicle, she does not speak about any harassment either physical or mental ill treatment being inflicted to her or any consistent demand being raised in that connection. As regards to occurrence of 19.08.2009 is concerned, there is no report lodged, which she admitted in her evidence. Though on 20.08.2009 she claims that mother-in-law and husband questioned her for not providing fodder to the cattle, allegations of administration are only against husband and not mother-in-law.

9. **PW7**, the medical expert, though deposed about consumption of poison, but did not support the allegation that the poison had been administered by the husband.

. Moreover, in his **cross-examination**, he admitted that the husband had admitted her to the hospital and that, as no poison was noticed, no sample was sent for Chemical Analysis. Therefore, medical evidence falsifies the allegation of administration of pesticide.

10. None of the panch witnesses appears to have supported the prosecution. Though there is a C.A. report, and the Investigating Officer speaks of the seizure of a tin/container under a memorandum of disclosure, the panch witness to that extent does not appear to have been examined. Even otherwise, the medical expert, as stated above, in his examination-in-chief itself, stated that there was a history of consumption of pesticide and not its administration. Though PW2 states that after she regained consciousness on 22.08.2009, her statement was recorded by Tahsildar, same is not finding place in the charge-sheet. With such quality of evidence, learned Trial Court ought not to have convicted both the accused for offence under Sections 307, 498-A read with Section 34 IPC. Case does not seem to have been proved beyond reasonable doubt. Hence, interference is called for. Accordingly, the following order is passed :-

ORDER

I. The Criminal Appeal is allowed.

II. The conviction awarded to the appellants viz. (1) Manika s/o Kashinath Karhale and (2) Jijabai w/o Kashinath Karhale by learned Additional Sessions Judge, Basmath in S. T. No.7 of 2011 vide judgment and order dated 09.02.2016 under Sections 498-A, 307 read with Section 34 of IPC, stands quashed and set aside.

III. The appellant viz. (1) Manika s/o Kashinath Karhale and (2) Jijabai w/o Kashinath Karhale stand acquitted of the offence punishable under Sections 498-A, 307 read with Section 34 of IPC.

IV. The bail bonds of the appellants stand cancelled.

V. Fine amount deposited, if any, be refunded to the appellants after the statutory period.

VI. It is clarified that there is no change as regards the order regarding disposal of *muddemal*.

[ABHAY S. WAGHWASE, J.]

scm