2026:BHC-AUG:54207

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 492 OF 2014

The State of Maharashtra
Through P.H.C. S.S. Wavhal, Sangamner,
Taluka Police Station,
District Ahmednagar for the complainant
Maruti Kashinath Lende R/o. Nandur
Khandarmal, Tq.Sangamner,
District Ahmednagar. ..Applicant

Verus

1. Sahebrao Bhikaji Rahinj
   Age: 38 years.

2. Sau. Punjabai Bhikaji Rahinj
   Age: 65 years.

3. Bhikaji Revaji Rahinj
   Age: 70 years.

   All R/o. Pimparane, Tq.Sangamner,
   District Ahmednagar.

   (**Leave is declined as against Respondent Nos.2 and 3 as per Court's Order dated 04-08-2014.**) ..Respondents
   (Ori. Accused)

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Mr.G.O.Wattamwar, APP for Appellant.
Mr.Satyajeet S. Dixit, Advocate for Respondent No.1.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 02-11-2026
Pronounced on : 04-11-2026

JUDGMENT :

1. In this appeal by State, there is challenge to Judgment and order dated 01-04-2013 passed by learned Additional Sessions Judge, Sangamner in Sessions Case No.22 of 2011.

BRIEF FACTS OF THE CASE

2. In trial court, prosecution case was that, PW1 Maruti, brother of deceased Sangita, lodged report Exhibit 44 alleging that, his sister Sangita was married to accused No.1. That, she was treated properly for 10 years and out of her wedlock, she had a daughter and a son. After 10 years, husband took liquor and beat her. He also led adulterous life. He also kept her starved. That, whenever Sangita visited their house, she informed about ill treatment. That, she was driven out of house and she went and stayed with parents house and at that time also, she narrated about husband's bad vices. Thereafter, he took her back, but treated properly for 8-9 months and again took to liquor. That, accused Nos.2 and 3 instigated accused No.1 husband to ill treat Sangita. That, understanding was given to accused, but his behaviour did not change and therefore, his sister lodged complaint. On 24-03-2011, news about Sangita consuming poisonous substance was received and therefore, he lodged report Exhibit 44 and on the

basis of said report, PW9 Investigating Officer carried out investigation, collected evidence, chargesheeted accused husband and in-laws for offence under Sections 498-A, 306, 504, 506 read with 34 of the Indian Penal Code (IPC). Accused were tried by learned Additional Sessions Judge, Sangamner and finally, all accused persons came to be acquitted from all the charges.

The above Judgment of acquittal is subject matter of appeal before this Court.

SUBMISSIONS

On behalf of State :

3. Learned APP took this Court through evidence of PW1 brother of deceased, PW2 daughter of deceased and accused No.1, PW6 mother of deceased and PW7 another brother of deceased, and would submit that, all the witnesses are consistent about accused beating Sangita after getting drunk. That, their evidence remained unshaken. That, apart from addiction of liquor, husband also led adulterous life and on that count, he beat her. That, accused Nos.2 and 3, parents-in-law used to instigate and there was further beating and ill treatment to Sangita. Getting fed up of said ill treatment and harassment, Sangita was constrained to end up her life by consuming poison. That, accused are solely responsible for the same. That,

learned trial Court has not correctly appreciated the evidence adduced by prosecution and has reached to erroneous conclusion and therefore, it is prayed that appeal be allowed by setting aside the impugned judgment and order.

On behalf of Respondent No.1/Accused No.1 :

4. Per contra, learned counsel for respondent No.1 also took this Court through evidence of brothers, mother, daughter of deceased and would submit that, their testimonies are full of material omissions, contradictions and improvements. That, it is admitted by all of them that even when Police made enquiry with them after death of Sangita, they all unanimously said that they do not want to file complaint. That, subsequently, complaint is filed by brother of the deceased at the behest of villagers and there is admission to that extent by informant as well as other witnesses. According to him, allegations of cruelty are vague, general and non-specific. That, there is nothing to connect respondent No.1 husband for abetting the suicide. Learned counsel took this Court through impugned judgment and reasoning assigned by learned trial Court and would support the same on the count that it is in consonance with the evidence and ultimately prayed to uphold the judgment of acquittal by dismissing the appeal.

BRIEF ACCOUNT OF EVIDENCE IN TRIAL COURT

5. Re-appreciated entire evidence. There is no dispute that Sangita died due to "asphyxia and consumption of insecticide". Now, it is to be seen whether prosecution evidence shows that deceased was subjected to continuous cruelty of such a nature that she was left with no other alternative but to end up her life. Prosecution is bound to demonstrate that accused abetted the suicide. Resultantly, evidence on record is put to minute scrutiny.

Crucial evidence is of **PW1** and **PW7** brothers, **PW2** daughter and **PW6** mother of deceased.

6. **PW1** Maruti Kashinath Lende, informant and brother of deceased, who is examined at Exhibit 43 sated that, after marriage, his sister was treated properly for 10 years, but thereafter, accused No.1 husband beat her under influence of liquor. That, he became adulterous and also beat Sangita. According to him, he kept her starved, drived her out of the house. That, once his sister has also filed complaint against husband. That, on 24-03-2011, she consumed poison.

However, while facing cross-examination, more particularly in paragraph 7, he admitted that, at the time of drawing inquest panchanama, Police made enquiry with him, his brother and other

relatives whether they have any complaint regarding death of Sangitra and he also admitted that they informed Police that they do not have any complaint. He admitted in paragraph 9 that there was a meeting held between parents, brothers, other relatives of deceased after dead body was handed over to them. In Paragraph 12, he admitted that brother of accused No.1 had died where as accused Nos.2 and 3 resided separately since 15 years. He also admitted that, accused No.1 has agricultural land. He also admitted that, except Exhibit 44, there was no complaint.

7. **PW2** Ku.Nisha Sahebrao Rahinj, daughter of deceased testified at Exhibit 46 that her father was addicted to liquor, leave adulterous life and after liquor, he used to abuse and beat her mother. That, prior to incident, he had driven them out of the house. That, one lady began calling him on phone and therefore, quarrel took place between her parents. In paragraph 5 of examination-in-chief, she stated that her father administered poison to her mother and so she and her brother wept, but at that time, their father was not there and neighbours came to their house.

While under **cross-examination**, omission is brought in paragraph 6 that her father was fond of having illicit relations, that her father had driven them out of house, that her father used to come

and beat her mother after consuming liquor, about her father receiving a phone call from a lady resulted into quarrel between her parents, that father beat her mother after receiving phone call from a lady in the night and that her father administered poison to her mother. She admitted that, after last rituals, there was discussion between her maternal uncles and maternal grand parents and it was decided to lodge complaint.

8. **PW6** Mrs.Meerabai Kashinath Lende, mother of deceased stated that, after 10 years, husband of Sangita started consuming liquor and under its influence, he beat her daughter and understanding was given to him, but ill treatment was continued. That, once she came with children to reside with them. According to her, accused husband assaulted her daughter 15 days prior to the incident. That, her daughter consumed poisonous substance getting fed up of ill treatment.

While under **cross-examination**, she admitted that her statement was not recorded by Police and whatever she is deposing is for first time in the Court.

9. **PW7** Lahanu Kashinath Lende, another brother of deceased, also in his evidence at Exhibit 61 stated that, after 10 years of

marriage, accused used to abuse and beat his sister and he maintained illicit relations with a woman. That, she was once driven out of house and she came with children to stay at their house, but accused No.1 used to come there also and hurled abuses and assaulted her. According to him, parents of accused No.1 used to instigate him. That, on 24-03-2011, she consumed poison.

In paragraph 3 of **cross-examination**, omissions are brought to the extent of husband consuming liquor and beating Sangita and she being driven out of house two years prior to incident and that, during her stay with them, accused No.1 husband used to come and beat Sangita there also.

ANALYSIS AND CONCLUSION

10. On analyzing above discussed substantive evidence of brothers, daughter and mother of deceased, it is noticed that they all are levelling general and omnibus allegations about accused No.1 husband getting drunk and beating Sangita. There was cohabitation for more than 10 years. When such instances took place is not stated by anyone. As seen from above cross-examination of prosecution witnesses, their testimonies are full of material omissions. Apparently, thus their versions are improvized before thew Court. Daughter of deceased deposed about father administering poison to

her mother, which is not the prosecution story. Thus, *ex facie*, testimonies of prosecution witnesses are full of material omissions. They all admit that inspite of Police making enquiry with them, they had reported that they had no complaint. It has also come in their cross-examination that, at the instance of villagers and relatives, subsequently complaint is lodged. Therefore, on the point of charge of Section 498-A of the IPC, there is fragile evidence.

11. Prosecution story is that deceased Sangita committed suicide on 24-03-2011 by consuming poison, but daughter of deceased, who claims to be in the house, in her examination-in-chief in paragraph 5 itself, has stated that, at that time, her father was not in the house. Therefore, it is unsafe to connect accused no.1 husband with consumption of poison. There are vague allegations against accused Nos.2 and 3 without defining or crystallizing their roles except stating that they instigated, but for what has not come in anybody's evidence. Resultantly, there is no abetment, instigation, inducement or incitement to commit suicide. Hence, even said charge fails.

12. Perused the Judgment under challenge. There is no illegality or perversity. The view taken by learned trial Court is probable view that could emerge on re-appreciation of evidence. No case being

made out, the appeal deserves to be dismissed. Accordingly, following order is passed :

ORDER

The Criminal Appeal is dismissed.

[ABHAY S. WAGHWASE, J.]

SPT