2026:BHC-AUG:46351

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CRIMINAL REVISION APPLICATION NO. 394 OF 2006

ANITA VILAS BANDUKE
VERSUS
THE STATE OF MAHARASHTRA AND ORS
…..
Mr R. B. Deshpande, Advocate for Applicant
Mr M. A. Aher, APP for Respondent No.1/State
…..

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 01st OCTOBER, 2026

P. C. :

1. Heard learned Advocate Mr Deshpande for the applicant and learned APP for respondent No.1/State.

2. The applicant is challenging the order dated 22/08/2006, passed by the learned Judicial Magistrate First Class (JMFC), Gangakhed, whereby accused Nos.1 to 6 came to be acquitted for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. The applicant was married with respondent No.2 on 09/05/2004 at village Sayala, Tq. Palam, Dist. Parbhani. After marriage, she went for cohabitation at Nanded where she resided for

eight days. Thereafter, the complainant and respondent No.2/husband shifted to Gangakhed. The complainant thereafter alleged to have filed complaint of ill-treatment meted out at the hands of husband and her in-laws before the Gangakhed Police Station which came to be registered as C.R. No.146/2004 for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code. On the basis of said complaint, investigation came to be carried out and charge-sheet was filed in R.C.C. No.268/2004 before the learned JMFC, Gangakhed. In pursuance of the said prosecution, evidence came to be recorded and total six accused persons came to be acquitted by the learned JMFC vide impugned order dated 22/08/2006.

4. According to Mr Deshpande, learned Advocate for the applicant, the learned JMFC committed a grave error in acquitting accused persons. According to him, the prosecution has duly established before the learned JMFC that the accused persons are involved in the commission of aforesaid crime, and as such, the impugned judgment and order, passed by the learned JMFC is patently illegal. He, therefore, prays for allowing of the instant criminal revision by setting aside the judgment and order dated 22/08/2006, passed by the learned JMFC Gangakhed in R.C.C. No.268/2004.

5. Learned APP Mr Aher also supports the submissions of learned Advocate Mr Deshpande for the applicant and prays for allowing the present criminal revision application.

6. With the assistance of the learned Advocates for the parties, I have gone through the impugned judgment and order, particularly paragraph Nos.12 and 13 thereof. Learned Judicial Magistrate, while acquitting the accused persons had given detailed reasons in paragraph Nos.12 and 13 in his judgment. In paragraph No.12, it was observed that marriage of complainant and respondent No.2 was solemnized on 09/05/2004 and the complaint is filed within very short time of marriage life i.e. on 18/09/2004. It was also observed that, there is no evidence on record to show that as to how much period the complainant was residing with her in-laws. It was also observed that the complainant had received notice for restitution of conjugal rights issued by respondents and complainant had also appeared in the said petition filed by her husband at Nanded. Against this background, it is evident that the complainant did not resume cohabitation, particularly, during the period she resided at Gangakhed. The testimony of the complainant, therefore, was not found to be sufficient to prove the cruelty as contemplated under Section 498-A of the Indian Penal Code.

7. In pursuance of the aforesaid paragraphs, I found that, there is no error on the part of learned JMFC in acquitting the accused persons. Since there is no valid reason to entertain this revision application, I am not inclined to exercise the jurisdictional powers under Section 397 of the Code of Criminal Procedure. Hence, this criminal revision application is dismissed.

[SUSHIL M. GHODESWAR, J.]

sjk