



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 393 OF 2025

- 1) Parmeshwar s/o Chagan Sasane
Age : 31 years, Occu. Service,
R/o. Domri, Tq. Patoda,
District Beed.
At Present : Mahagaon, Tq. Gadhinglaj,
District Kolhapur.
(Husband of Deceased/Informant)
- 2) Chagan s/o Girija Sasane
Age : 65 years, Occu. Labour,
R/o. Domri, Taluka Patoda,
District Beed.
(Father-in-law of Deceased/Informant)
- 3) Kusum w/o Chagan Sasane
Age : 52 years, Occu. Household,
R/o. Domri, Taluka Patoda,
District Beed.
(Mother-in-law of Deceased/Informant)
- 4) Shivaji s/o Chagan Sasane
Age : 30 years, Occu. Labour,
R/o. Domri, Taluka Patoda,
District Beed.
(Brother-in-law of Deceased/Informant)
- 5) Alka w/o Murlidhar Waghmare
Age : 29 years, Occu. Household,
R/o. Charhata, Tq. & Dist. Beed,
At Present : Pimpalwadi,
Tq. & Dist. Beed.
(Sister-in-law of Deceased/Informant)
- 6) Murlidhar s/o Narayan Waghmare
Age : 43 years, Occu. Labour,
R/o. Charhata, Tq. & Dist. Beed,
At Present : Pimpalwadi,

Tq. & Dist. Beed.
(Husband of Sister-in-law
of Deceased/Informant)

7) Sangita w/o Yogesh Sarode
Age : 34 years, Occu. Household,
R/o. Andhalgaon Phata, Andhalgaon,
Taluka and District Pune.
(Sister-in-law of Deceased/Informant)

8) Avinash s/o Sudhakar Sarode
Age : 34 years, Occu. Labour,
R/o. Andhalgaon Phata, Andhalgaon,
Taluka and District Pune.
(Husband of Sister-in-law
of Deceased/Informant)

... Applicants
(Orig. Accused)

versus

1) The State of Maharashtra
Through : The Police Inspector of
Patoda Police Station, Beed,
Taluka and District Beed.

... Respondents

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Mr. Angad L. Kanade, Advocate for the Revision Petitioners.
Mr. S. G. Sangle, Advocate for the Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 06.01.2026

Pronounced on : 08.01.2026

JUDGMENT :

1. Present revision petitioners, who are husband and in-laws of deceased Aishwarya Sasane, are taking exception to the judgment and order dated 21.07.2025 passed on application Exhibit 25 in Sessions Case No. 24 of 2021 by learned Additional Sessions Judge-1, Beed

thereby rejecting their application for discharge filed by invoking Section 227 of Cr.P.C.

2. In nutshell, on statement of deceased Aishwarya Parmeshwar Sasane recorded while she was being treated in the hospital, Patoda Police registered crime bearing No. 202 of 2019 for offence under Sections 498-A, 328, 323, 504, 506 r/w 34 of IPC. Subsequently, Aishwarya succumbed and therefore charge under Section 302 IPC came to be added and after investigation, charge sheet was filed against in all 8 accused (present revision petitioners).

3. Exhibit 25 came to be pressed into service by revision petitioners before learned Additional Sessions Judge-1, Beed by invoking Section 227 of Cr.P.C. thereby praying for discharge on the ground of false implication about maltreatment in the backdrop of demand of Rs.4,00,000/-. They denied physical and mental ill-treatment and case was set up that, general and omnibus allegations are levelled and entire family is tried to be roped in. It was pointed out that, deceased Aishwarya died while she was put up with her parents and as such, they are not responsible for her death in any manner. On account of annoyance on losing Aishwarya, who according to them died due to some physical ailment, they are falsely

implicated. It was projected that deceased, after being hospitalized, was treated and discharged after she had recovered and deceased herself had stated to that extent in her statement, but had levelled omnibus allegations of ill-treatment in the backdrop of demand of Rs.4,00,000/- for purchasing car. Amongst several grounds, it is their case that there is no sufficient material in chargesheet to make them face trial and so they urged to discharge them. But learned trial court was pleased to hold that there are *prima facie* grounds to proceed against the applicants-accused and thereby rejected the application. Hence instant revision.

4. On the other hand, learned APP would strongly oppose on the ground that, deceased herself has given statement that after six months of marriage, husband put up demand of money for car and on account of its non fulfillment, there was both, physical and mental cruelty, which deceased reported to her relatives. He would point out that, there are also allegations against in-laws and other relatives for subjecting Aishwarya to ill-treatment time to time also in the backdrop of Rs.4,00,000/- for purchase of car. He pointed out that, husband is specifically named for ill-treatment. He further pointed out that, even there are allegations against mother-in-law for administering poison which turned to be fatal and to be the cause of

death. He would submit that death is unnatural. That, the act of administration of poison was in the house of in-laws and Aishwarya had succumbed to the same only. Complaint and statements of various witnesses carry name of all accused persons and there being sufficient material against them, he urges similar treatment to the application as is accorded by learned trial Judge, i.e. by rejecting the application.

5. At the outset, during the course of hearing and on *prima facie* satisfaction, when this Court expressed its disinclination to consider relief in favour of husband Parmeshwar and mother-in-law Kusum, learned counsel, on instructions, seeks withdrawal of application to their extent and accordingly permission to withdraw their application is granted.

6. Here, applicants who are husband and in-laws of deceased Aishwarya who died on 11.11.2019, are being chargesheeted for commission of offence under Sections 498-A, 328, 302, 323, 504, 506 r/w 34 of IPC. Precise accusation against them is that, they subjected deceased Aishwarya to physical and mental cruelty and mother-in-law specifically is responsible for administering poison resulting into her death. Now, all accused-revision petitioners are seeking discharge under Section 227 of Cr.P.C.

7. Before advertng to the merits, it would be fruitful to give a brief account of settled legal precedents to be borne in mind while entertaining application under Section 227 of Cr.P.C. Few amongst them which could be named are *State of Bihar v. Ramesh Singh* (1977) 4 SCC 39 ; *Union of India v. Prafulla Kumar Samal & Another* (1979) 3 SCC 4 ; *R.S. Nayak v. A.R. Antulay & Another* (1986) 2 SCC 716; *Sajjan Kumar v. Central Bureau of Investigation* (2010) 9 SCC 368 ; *Amit Kapoor v. Ramesh Chandra & Another* (2012) 9 SCC 460 and recent judgment in the case of *Asim Shariff v. National Investigating Agency* (2019) 7 SCC 148, *Ram Prakash Chadha v. State of Uttar Pradesh* (2024) 10 SCC 651.

8. The ratio that is culled out is that, while dealing with an application under Section 227 of Cr.P.C., strong suspicion against the accused cannot take the place of proof of his guilt at the conclusion of the trial. But at the initial stage, if there is a strong suspicion which leads the court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the court to say that there is no sufficient ground for proceeding against the accused. The test to determine a *prima facie* case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. Where the material placed before the

Court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial. By and large however, if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.

9. Keeping in mind the above settled legal principles, sifted the charge sheet with limited purpose to ascertain whether case for discharge is at all made out or not. Charge sheet shows that statement of Aishwarya, on the strength of which crime has been registered, was recorded on 26.10.2019 while she was undergoing treatment in Lifeline Hospital, Beed. She reported that, for a period of 5 to 6 months after marriage, she was properly treated, but when she accompanied her husband Parmeshwar to Kolhapur at his service place, she has levelled allegations against him for putting up demand of car and asking her to arrange Rs.4,00,000/- from her parents and on such count, she has alleged cruelty being inflicted to her. She reported that on account of failure to comply, she was brought and dropped at her in-laws' place and refused to take her back to Kolhapur until his above monitory demand was met. Then she named

father-in-law Chagan Sasane, mother-in-law Kusum Sasane, brother-in-law Shivaji Chagan Sasane, sister-in-law Sangita Waghmare and her husband Murlidhar for taunting her for not bringing utensils in the marriage and she alleges she being questioned by them for not bringing Rs.4,00,000/- for car and she being abused and beaten by kicks and fist blows and she being kept starved. She reported the above treatment to her family members who allegedly gave understanding to her in-laws. She further reported in the FIR that while she was put up with her parents-in-law, her mother-in-law Kusum made her drink medicine from a bottle suggesting and assuring that she would feel better, as a result of which she started vomiting regularly and was finally dropped by her husband at her parents' place. She also reported that on 18.07.2019, her parents admitted her in Government Hospital at Patoda and there, on examining her, the hospital authorities advised to shift her to GHATI Hospital at Aurangabad and there she was allegedly told by the doctors that her pregnancy was required to be terminated as there was threat to her life and accordingly, her abortion was performed. She stated that, thereafter after feeling well, she was discharged and she went back to stay with her parents at Beed, but her complaint of vomiting continued and she was then taken to Pune where she was treated from 27.08.2019 till 15.09.2019 and again discharged on

feeling well. But again on 25.10.2019, on same complaint she was again admitted in Lifeline hospital at Beed where she gave above statement against her husband and in-laws for ill-treating her on account of demand of Rs.4,00,000/- for purchase of car.

10. On above report, Patoda Police registered crime bearing no. 020 of 2019 for offences under Sections 498-A, 328, 323, 504, 504 r/w 34 of IPC against husband and in-laws i.e. present revision petitioners. It appears that during investigation, while statements were recorded, Aishwarya succumbed and therefore charge under Section 302 came to be added and after completion of investigation, challan was filed before Sessions Court, Beed, where application Exhibit 25 was filed and decided.

11. *Prima facie* from the FIR, it is emerging that there are direct allegations against husband for putting up demand of Rs.4,00,000/- for purchase of car for himself. Husband allegedly subjected her to physical and mental cruelty during her stay at Kolhapur and it was he who had dropped her at the place of her her parents-in-law. She seems to have named parents-in-law, brother-in-law, sisters-in-law and their husbands for also putting up demand of Rs.4,00,000/- for purchase of car and according to her, she was abused, beaten and

kept starved. However, it is pertinent to note that roles of the in-laws are not crystallized by her by stating who amongst them did what. Apparently, sweeping allegations are made against all in-laws. Learned counsel for revision petitioners, on court query, has pointed out that accused no.5 (sister-in-law), her husband accused no.6, another sister-in-law accused no.7 and her husband accused no.8 are residents of different places. Apparently, in the report, Aishwarya has not stated when they came towards her to put up demand, abuse her or keep her without food. Specific instances are not stated against them. Even statements of the witnesses which are recorded by investigating machinery are without specific instances and details. However, like husband, there are specific accusations against mother-in-law Kusum, as she is named for administering some medicine, which later triggered episodes of continuous vomiting necessitating her admission and treatment in the hospital. Therefore, *prima facie* role of even mother-in-law Kusum is getting crystallized to a greater extent. However, as regards to rest of the revision petitioners are concerned, as submitted, there are sweeping, general and omnibus allegations against them.

12. It seems that, deceased Aishwarya died on 11.11.2019. Postmortem report, which is part of charge sheet, shows that death is

due to “septicemia in a cure of alleged poisoning”, however, viscera is said to be preserved for chemical analysis and histopathological examination. Viscera was said to be gathered and dispatched to CA on 25.11.2019 and its report is not yet received, is what is submitted by learned APP, on court query.

13. To sum up, here, there is *prima facie* material against husband-petitioner no.1 Parmeshwar as well as mother-in-law petitioner no. 3 Kusum. Hence their revision petition is disposed off as withdrawn. As regards to rest of the petitioners are concerned, there being general, omnibus allegations, and there being nothing concrete to show that they are involved in raising persistent demand and further continuously subjecting Aishwarya to physical and mental cruelty, and no role being attributed to them in the alleged death of Aishwarya, they succeed. Hence, following order :

ORDER

- I. The Criminal Revision Application is partly allowed.
- II. Leave to withdraw the application of revision petitioner no.
(1) Parmeshwar s/o Chagan Sasane and revision petitioner no.
(3) Kusum w/o Chagan Sasane is granted and their application stands disposed off as withdrawn.

- III. Application of revision petitioner nos. 2 and 4 to 8, i.e. (2) Chagan s/o Girija Sasane, (4) Shivaji s/o Chagan Sasane, (5) Alka w/o Murlidhar Waghmare, (6) Murlidhar s/o Narayan Waghmare, (7) Sangita w/o Yogesh Sarode and (8) Avinash s/o Sudhakar Sarode is allowed in terms of prayer clauses [C] and [D].
- IV. The Criminal Revision Application is accordingly disposed off.

(ABHAY S. WAGHWASE, J.)

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