



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO.156 OF 2025

Angad s/o Gundaji Jagtap,
Age : 63 years, Occu.: Agrilculture,
R/o.: Walandi, Tq. Deoni,
District : Latur

.... APPELLANT
(Original Informant)

VERSUS

1. The State of Maharashtra
Through : Police Station Officer,
P. S. Deoni, Tq. Deoni, Dist. Latur
2. Yashwant @ Sugriv s/o Bhanudas Bhosale,
Age : 37 years, Occu.: Agril.,
3. Bhanudas s/o Sopanrao Bhosale,
Age : 77 years, Occu.: Agril.,
4. Pappu s/o Bhanudas Bhosale,
Age : 42 years, Occu.: Agri.,
5. Sojarabai w/o Bhanudas Bhosale,
Age : 74 years, Occu.: Household,

All R/o.: Bombali (Kh), Tq. Deoni,
District : Latur

..... RESPONDENTS
(Resp.No.2 to 5 Org. Acused)

.....
Mr. G. D. Kale, Advocate for the Appellant
Mr. M. A. Aher, APP for Respondent No.1-State
Mr. Ajinkya Reddy, Advocate for Respondent Nos.2 to 5
.....

**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

RESERVED ON : 04/02/2026

PRONOUNCED ON : 02/04/2026

JUDGMENT : (PER : SANDIPKUMAR C. MORE, J.) :

1. The appellant, i.e., the informant Angad Gundaji Jagtap, who is the father of the deceased Meenakshi, has challenged the acquittal of respondent Nos. 2 to 5, who are the accused in Sessions Case No. 8 of 2019, for the offences punishable under Sections 306, 304B and 498-A read with Section 34 of the Indian Penal Code, by the learned Additional Sessions Judge, Udgir, District Latur (hereinafter referred to as “the learned Trial Judge”), vide judgment and order dated 23/01/2025 in the said case.

2. According to the prosecution, Meenakshi got married to respondent No. 2, Yashwant, on 28/05/2013. Respondent Nos.3 and 4 are the parents of respondent No. 2, whereas respondent No.5 is his brother. Meenakshi was treated well for about one year after the marriage. However, thereafter, the respondents/accused started ill-treating her on account of demands for dowry. They used to assault her and also starve her. Meenakshi used to inform the informant / appellant about such ill-treatment whenever she visited

her parental home. The informant, along with villagers, had even gone to the house of the accused to advise them to treat Meenakshi properly. Though Meenakshi later gave birth to a son and a daughter, the ill-treatment at the hands of the respondents / accused continued.

It is further alleged that Meenakshi had consumed poison on 11/03/2017; however, at the request of the accused, she did not lodge any complaint with the police at that time. According to the informant, on 22/09/2018 at about 12:00, Meenakshi called him and stated that the respondents/accused had again ill-treated her by insisting that she bring dowry of Rs. 50,000/-.

On the next day, i.e., 23/09/2018, the informant, along with his son, went to the village of the accused and made inquiries about their alleged behaviour towards Meenakshi, but nothing was revealed. Thereafter, the informant went to the agricultural land of Ganesh Bhosale in search of Meenakshi. He found a piece of footwear near a well in the said field and subsequently, Meenakshi's dead body was retrieved from the well.

Accordingly, the informant lodged a report against the respondents/accused, alleging that they had ill-treated Meenakshi on account of dowry demands, which led her to commit suicide by jumping into the well. Consequently, Crime No. 108 of 2018 was

registered on 24/09/2018 against the respondents/accused. Upon completion of the investigation, a charge-sheet was filed against them. The learned Trial Judge, after conducting the trial and examining six witnesses, acquitted the respondents/accused.

3. Heard learned counsel for the appellant – informant and learned APP as well as learned counsel for respondent Nos.2 to 5 / accused at the admission stage. Also perused the impugned judgment along with the notes of evidence of witnesses.

4. The learned counsel for the appellant-informant vehemently argued that the learned Trial Judge failed to properly appreciate the evidence on record and ignored vital aspects of the case. According to him, the dead body of Meenakshi was found in a well situated near the house of the accused. He further submitted that, despite Meenakshi being missing, the accused did not lodge any missing complaint on the following day of the incident. He pointed out that the appellant, as well as his son, have corroborated each other in their testimonies regarding the harassment meted out to Meenakshi by the respondents / accused on account of a demand for dowry of Rs. 50,000/-. According to him, the death of Meenakshi was unnatural and occurred within seven years of her marriage;

therefore, it can safely be inferred that the same was a result of the ill-treatment inflicted by the respondents/accused.

5. On the contrary, the learned counsel for the respondents/accused denied the allegations levelled against them. He submitted that there were no specific allegations in the entire prosecution evidence regarding any demand for dowry; only vague statements were made by the witnesses that all the accused were ill-treating Meenakshi. He pointed out that even in the post-mortem no external injuries were found on the person of Meenakshi, suggestive of the fact that there was no torture to her soon before her death. He further submitted that the possibility of Meenakshi's accidental fall into the well cannot be ruled out, as the said well, from which her dead body was recovered, did not have a parapet wall. In addition to his oral submissions, he placed written notes of his arguments on record and prayed for the dismissal of the appeal. He relied on the following judgments:

- A) *Achin Gupta vs. State of Haryana and another, 2024 ALL SCR (Cri) 989;***
- B) *Vithal Taterao Maghade vs. The State of Maharashtra, 2023 ALL MR (Cri) 779;***
- C) *Sindhubai Dilip Patel vs. Rajesh Ashok Patil and others, 2023 ALL MR (Cri) 3622;***

- D) *Bapurao Sopanrao Waghmare (D) thr. L.Rs. And others vs. The State of Maharashtra, 2023 ALL MR (Cri) 927;***
- E) *Bhagwansingh Govindsingh Kathar vs. The of Maharashtra and others, 2023 ALL MR (Cri) 789;***
- F) *State vs. Vazir Hakki, 2005 Cri LJ 2719 (Bom);***
- G) *Ramesh Babulal Doshi vs. State of Gujrat, AIR 996 SC2025 &***
- H) *State of Maharashtra vs. Jagannath Kisan Mane, 2005 Cri.L.J.5003.***

6. With the help of learned counsel for appellant as well as learned counsel for the respondents / accused, we have gone through the notes of evidence as well as impugned judgment.

7. Admittedly, the learned Trial Judge acquitted the respondents/accused, observing that the prosecution evidence regarding the alleged demand of dowry of Rs. 50,000/- and the ill-treatment of the deceased was not convincing. It is to be noted that the FIR was lodged by the appellant-informant, who is the father of the deceased. However, in his police statement, there is no specific allegation against any particular accused regarding any particular incident of demanding dowry. The learned Trial Judge also noted in

the judgment that the informant deposed in general terms that all the accused together ill-treated the deceased. Even the FIR lodged by him contains only such general allegations without providing specific particulars of any incident of ill-treatment. The earlier incident dated 11/03/2017, when Meenakshi allegedly consumed poison, emerged in the informant's evidence only by way of omission. As such, the evidence of the informant is silent regarding any specific incident of dowry demand or ill-treatment.

8. The learned counsel for the appellant pointed out that there was an injury on the lips of the deceased when her body was recovered from the well and that this was also recorded during the post-mortem. However, such an injury could have been caused during the fall into the well and no other external injuries were found on the body of the deceased. Thus, merely on the basis of this injury, it would be unsafe to conclude that she was subjected to cruelty by the respondents/accused immediately before her death. Further, Further, it has also come in the evidence that the well in which the deceased's body was found did not have a parapet wall and therefore, the possibility of an accidental fall into the well cannot be ruled out. Moreover, the alleged phone call received by the informant regarding the incident of 22/09/2018 is silent on the crucial aspect of who was demanding the sum of Rs.50,000/- from

the deceased. Consequently, the testimony of the informant in this regard does not inspire confidence.

9. It is also significant to note that even after recovering the body of Meenakshi, the appellant did not lodge an immediate complaint. He himself stated that the last rites of Meenakshi were performed in the village of Bombali, i.e., in the village of the accused. The learned counsel for the respondents/accused heavily relied on the observations in **Bhagwansingh Govindsingh Kathar** (*supra*), wherein the informant's credibility was doubted because the FIR was lodged only after the funeral had been conducted.

10. The learned counsel for the respondents/accused also highlighted how the learned Trial Judge has dealt with the provisions of Section 306 of the IPC. On perusal of the impugned judgment, the learned Trial Judge has reiterated that, to secure a conviction under Section 306 of the IPC, abetment as contemplated under Section 107 of the IPC must be established. In the instant case, no such evidence of abetment is forthcoming. The Hon'ble Apex Court, in the case of **Achin Gupta vs. State of Haryana and another** (*supra*), has already held that mere trivial irritation or quarrels between spouses, which occur in the normal course of married life, may not amount to cruelty. Therefore, in the absence

of any specific incident of dowry demand or ill-treatment in the present case, it cannot be held that the respondents/accused ill-treated Meenakshi in a manner that led to her committing suicide.

11. Admittedly, in the case of **State Vs. Vazir Hakki** (*supra*), this Court has laid down certain principles which are required to be followed in an appeal against acquittal. The same are reproduced herein below:

“In an appeal against acquittal a court has to remind itself of set of cardinal rules. They are that :

- (i) There is a presumption of innocence in favour of the accused which has been strengthened by the acquittal of the accused by the trial court.*
- (ii) If two views are possible, a view favourable to the accused should be taken;*
- (iii) The trial judge had the advantage of looking at the demeanor of the witnesses, and*
- (iv) The accused is entitled to a reasonable benefit of doubt, a doubt which a thinking man will reasonably, honestly and consciously entertain.”*

Therefore, considering the fact that the learned Trial Judge, after appreciating the entire evidence on record, has acquitted the respondents/accused, the impugned judgment cannot be reversed merely on the ground that another view is possible. Having regard

to the entire evidence on record and the findings recorded by the learned Trial Judge, we are of the opinion that the learned Trial Judge has rightly appreciated the evidence and thereafter, acquitted the respondents/accused. Consequently, no interference is warranted from this Court in the instant matter. Accordingly, the appeal stands dismissed.

(ABASAHEB D. SHINDE, J.) (SANDIPKUMAR C. MORE, J.)

VS Maind/-