

Meera

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3962 of 2008

The State of Maharashtra

..Applicant

Vs.

Narendra Uttam Mane & Ors.

..Respondents

Mrs. M.H.Mhatre, APP for State

Mr. R. Zale i/b Mr. R.S.Kate for Respondents No.1, 3 & 4

Mr. P.A. Pol APP

Coram: A.R.Joshi, J

Date : 30th June, 2009

P.C.

1. Heard rival submissions for some time.
2. It is the leave Application by State to file an Appeal against the acquittal of Respondents No.1 to 4 in the matter of offence punishable u/s 498A, 306, 323, 504 & 506 read with section 34 of IPC. The impugned judgment and order came to be passed by Additional Session Judge, Satara, on 28.04.2008. Reportedly, thereafter, original Respondent No.2 died somewhere in January 2009 as such present leave petition is only against the

Respondents No.1, 3 & 4 who are represented by an Advocate.

3. On perusal of the notice of evidence and the reasoning given by the trial court, it appears that the charges for demand of dowry and practicing in cruelty on the deceased, wife of Accused No.1 were not accepted by the court as proved. Four witnesses were examined during the trial. P.W-1 and P.W-2 are father and mother of the deceased. P.W-3 is some independent witness and P.W-4 is I.O. Reportedly there is no documentary evidence by way of deceased women writing any letters to her parents. Main allegation against the Accused is that they were harassing the deceased and demanding amount of Rs.50,000/- to be brought from her parents and such amount was to be allegedly utilised for the marriage of Respondent No.3. It is also observed that the deceased had earlier filed criminal complaint against her own father P.W.1, as he was not allowing her to cohabit with her husband Accused No.1. This circumstance was also weighed much with the trial court.
4. Considering such substantive evidence, in the opinion of this court, there is nothing to allow the present leave petition and to again re agitate the matter in Appeal. Hence Leave Petition is dismissed and accordingly disposed off.

(A.R.Joshi, J)