

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO.918 OF 2004**

The State of Maharashtra

....Appellant

V/s.

Hanmant Gopal Chavan & Ors

....Respondents

Ms Anamika Malhotra, APP for Appellant State

Mr. Shantanu Phanse for Respondent No.5

**CORAM : K.R.SHRIRAM, J.**

**DATED : 31<sup>st</sup> AUGUST 2020**

**ORAL JUDGMENT**

1 This is an appeal impugning an order and judgment dated 17-3-2004 passed by the Joint Judicial Magistrate First Class, Koregaon, acquitting 5 respondents in the appeal of charges under Sections 498A, 323 and 504 of the Indian Penal Code. Respondent Nos.1, 3 and 5 have since died. Copies of their death certificates have been tendered by learned APP. The same are taken on record and marked as X, X-1 and X-2 for identification. Therefore, appeal against these three respondents stands abated. This would leave only respondent nos.2 and 4.

2 I have considered the charges leveled, evidence and the impugned judgment. There are no specific allegations against accused nos.2 and 4.

3 The evidence is also fraught with contradictions and omissions. Complainant, who is P.W.-1 Sindhu Prakash Chavan, states that 5 accused were constantly harassing her 15 days after marriage because she did not agree to bring Rs.6000/- for digging a bore well and Rs.8000/- for buying a

cow. Strangely, in the examination-in-chief itself, complainant states that when she went to her parents house in the month of Ashadh, she mentioned all the facts of harassment to her parents and when accused no.1, who was the father-in-law came to take her back after Ashadh month the parents of complainant spoke to accused no.1 and explained to him that complainant should not be made to go through misery. I ask myself, when accused were harassing complainant as alleged why would accused no.1 father-in-law go to complainant's parents' house to pick her up and bring her home. Moreover, there are only three witnesses who have been examined. PW.-1 is complainant herself, PW.-2 is the brother of complainant and PW.-3 is an outsider, who had arranged the alliance between complainant and respondent no.5-husband. The parents have not been examined. In a case of this nature, when according to PW-1 she has told everything to her parents about the ill-treatment, I would have expected the parents also to step in as witnesses. Moreover, the complainant states that when she was being taken home from her parents house by accused no.1 in a two wheeler, Accused no.1 pushed her from two wheeler and she suffered injuries. But in the cross-examination she admits the omission that in the FIR Exhibit-40, there is no mention about complainant being pushed from two wheeler. Complainant says she told everything to PW-2. PW.-2 is also silent about this incident of PW-1 being pushed from a two wheeler by Accused no.1.

4 In the FIR Exhibit-40, complainant talks about the demand of Rs.6000/- for digging the bore well and Rs.8000/- for buying the cow. But

in complainant's application under Section 125 of CrPC, the figures are Rs.8000/- for bore well and Rs.20,000/- for the cow. In the cross-examination PW-1 says that she had given information regarding beating by each of accused as well as, words of abuse and threat given by each of accused, while recording the FIR, but none of that have been specifically mentioned in FIR Exhibit-40. Therefore, I find no reason to interfere in the impugned judgment. I do not find the conclusions reached by the Trial Court are palpably wrong or erroneous.

5 Appeal dismissed.

6 At this stage, I have to also note that Mr. Phanse tenders a photocopy of a Memorandum of Understanding dated 30-6-2010 between PW.-1/complainant and original accused no.1 and accused no.2. This agreement has been tendered after the demise of accused no.5, who was the husband of PW.-1/complainant. The agreement states that original complainant did not wanted to live with her in-laws after her husband died and that she has received all the jewellery and house hold goods which were given to her at the time of marriage and she has no grievance or complaint against her in-laws. The same is taken on record and marked as X-3 for identification.

**(K.R. SHRIRAM, J.)**