

MHPA100004872015	Received on	:	23/11/2015
	Registered on	:	24/11/2015
	Decided on	:	08/07/2026
	Duration	:	Y. M. D. 10 07 14
	Exhibit No.	:	

CRIMINAL APPEAL No. 52/2015

Exh.

<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE</u> <u>AT GANGAKHED</u> (Presided over by : G.P. Bawaskar)		
FIR/Crime No.117/2010. U/Sec.498(A), 504 and 506 r.w. Sec.34 of the Indian Penal Code, registered with Gangakhed Police Station, Dist. Parbhani.		
<u>Appellant</u> (Ori. complainant)	:	The State of Maharashtra Through Police station Officer, Police Station, Gangakhed Tq. Gangakhed, Dist. Parbhani.
V E R S U S		
<u>Respondents</u> (Ori. Accused)	:	1- Suresh s/o Mayappa Narute, Age : 28 Yrs., Occu : Education, R/o Shedyal, Tq. Jath, Dist. Sangali. 2- Mayappa s/o Papanna Narute, Age : 65 Yrs., Occu : Agril., R/o Shedyal, Tq. Jath, Dist. Sangali. 3- Indrabai w/o Mayappa Narute, Age : 50 Yrs., Occu : Household, R/o Shedyal, Tq. Jath, Dist. Sangali.

Appeal : Under Sec.378 of Code of Criminal Procedure.

Appearances:

Ld. A.P.P. Shri S.D. Wakodkar, for State.

Ld. Adv. Shri R.L. Wadkile, for the respondents.

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MHPA100000552016 	Received on	:	28/01/2016		
	Registered on	:	11/02/2016		
	Decided on	:	08/07/2026		
	Duration	:	Y.	M.	D.
			10	04	27
Exhibit No.		:			

CRIMINAL APPEAL No. 02/2016

Exh.

<u>Appellant</u> (Ori. complainant)	:	Sandhya w/o Suresh Narute, Age : 29 years, occu. Household, R/o Shedyal, Tq. Jat, Dist. Sangli, At/p Ranisawargaon, Tq. Gangakhed, Dist. Parbhani.		
V E R S U S				
<u>Respondents</u>		1-	The State of Maharashtra Through Police station Officer, Police Station, Gangakhed.	
		2-	Suresh s/o Mayappa Narute, Age : 30 Yrs., Occu : Service, R/o Shedyal, Tq. Jat, Dist. Sangali.	
	:	3-	Mayappa s/o Papanna Narute, Age : 65 Yrs., Occu : Agril., R/o Shedyal, Tq. Jat, Dist. Sangali.	
		4-	Indrabai w/o Mayappa Narute, Age : 55 Yrs., Occu : Household, R/o Shedyal, Tq. Jat, Dist. Sangali.	

Appeal : Under Sec.378 of Code of Criminal Procedure.

Appearances:

Ld. Adv. Shri M.K. Toshniwal, for the appellant.

Ld. A.P.P. Shri S.D. Wakodkar, for State.

Ld. Adv. Shri R.L. Wadkile, for the respondent Nos.2 to 4

COMMON JUDGMENT

[Delivered on 08th day of July, 2026]

1] The State has filed appeal bearing No.52/2015 and informant/ complainant filed appeal bearing No.2/2016 against the judgment and order dt. 07/10/2015, passed by Learned Judicial Magistrate First Class, Gangakhed, in R.C.C. No.157/2010, whereby the accused are acquitted.

2] **Facts of present appeal are as under :**

That the complainant Sandhya Suresh Narute lodged report with PSO, Gangakhed stating that her marriage was solemnized with accused No.1 Suresh on 22/11/2009 at Shedyal. In said marriage, her father gave cash amount of Rs.1,20,000/-, one tola gold and household articles. Accused Nos.2 and 3 are parents of accused No.1. After marriage, complainant had been to the house of the accused for cohabitation. She was treated well for about 15 days. Thereafter, all accused were asking the complainant to bring an amount of Rs.2,00,000/- to purchase the plot. The complainant said that her father is not economically

sound person. Then the accused gave her fist and kick blows.

3] Accused No.1 is a teacher. So, the complainant came to reside at Gangakhed with accused No.1. On 30/03/2010, she told about the ill-treatment to her father. At that time, accused demanded Rs.2,00,000/- to purchase the plot and told that if the amount is not paid, the complainant should not enter their house. Accused No.1 also told that he has relations with another girl. Then the complainant came to her parents house. Then the complainant was carrying pregnancy. On 17/04/2010, father of complainant brought her to the room at Gangakhed, but she was not allowed by accused No.1 to enter the room. Therefore, complainant went to her parents house.

4] Then on 30/04/2010, the complainant came to the room at Gangakhed. She noticed that one Manjusha Kulkarni was inside the room. Accused No.1 asked the complainant to accept her; else he will not allow the complainant to live with him and will not accept the child in her womb. Accused No.1 pulled *mangalsutra* of the complainant and drove her out of the house. The incident was witnessed by Nathrao Bade, Arun Sanap and Dr. Pawar. They rescued the quarrel.

5] On the basis of such report, a crime bearing

No.117/2010, for commission of offence punishable under Sections 498-A, 504, 506 r.w. Sec. 34 of IPC came to be registered against all accused. Further investigation was handed over to Head Constable Hashmi. Investigating Officer had been to the place of occurrence and in presence of panchas prepared spot panchnama. He recorded statements of witnesses and arrested the accused. After completion of investigation, charge sheet was filed before Ld. Judicial Magistrate First Class, Gangakhed.

6] Ld. Magistrate took cognizance of the offence and summoned the accused. Charge at Exh.20 was framed against the accused for commission of offence punishable under Sections 498(A), 504 and 506 r.w. Sec.34 of Indian Penal Code. The accused pleaded not guilty and claimed to be tried. In support of its case, the prosecution examined in all six witnesses i.e. 1) PW-1 Sandhya Suresh Narute complainant at Exh.36, 2) PW-2 Sudhakar Shyamrao Ghatgil, father of complainant at Exh.38, 3) PW-3 Sudhakar Piraji Mane at Exh.106, 4) PW-4 Nathrao Bade at Exh.108, 5) PW-5 Sanjay Pawar at Exh.109 and 6) PW-6 PHC S.J. Hashmi, Investigating Officer at Exh.124. The accused examined Vaijanath Maroti Rekadge as DW-1 at Exh.138.

7] After scrutinizing the evidence on record, Ld. Judicial Magistrate First Class, held that the prosecution failed to prove its case and acquitted the accused of the

offence punishable under Sections 498(A), 504 and 506 r.w. Sec.34 of Indian Penal Code.

8] Aggrieved by aforesaid judgment and order of acquittal, the State of Maharashtra as well as the complainant has filed the present appeals.

9] The points for determination and my findings thereon for reasons to follow are as under.

Sr. Nos.	POINTS	FINDINGS
1.	Does the prosecution prove that after 15 days of 22/11/2009 till 30/04/2010 at village Shedyal, Tq. Jath, Dist. Sangali and at Gangakhed, accused No.1 being the husband of complainant Sandhya and accused Nos.2 and 3 being the relatives of accused No.1, in furtherance of their common intention subjected the complainant to in order to meet their unlawful demand of Rs.2,00,000/- for purchasing plot and thereby committed an offence punishable under section 498(A) r.w. Sec.34 of the Indian Penal Code?	..In the negative.
2.	Does the prosecution prove that on the aforesaid period and place all accused in furtherance of their common intention intentionally insulted the complainant by abusing her in order to provoke her, intending that such	..In the negative.

Sr. Nos.	POINTS	FINDINGS
	provocation would cause her to break public peace or to commit any other offence and thereby committed an offence punishable under Section 504 r.w. Sec. 34 of the Indian Penal Code?	
3.	Does the prosecution prove that on the aforesaid period and place all accused in furtherance of their common intention committed criminal intimidation by threatening the complainant to kill her and thereby committed an offence punishable under Section 506 r.w. Sec. 34 of the Indian Penal Code?	..In the negative.
4.	Is interference required in the findings of Ld. Magistrate?	..No.
5.	What order?	As per final order.

REASONS

AS TO POINT Nos.1 TO 4:

10] Heard Ld. APP on behalf of State, Ld. Advocate appearing on behalf complainant. Also heard Ld. Advocate appearing on behalf of the accused.

11] It appears from record that during pendency of criminal proceeding, complainant and the accused settled the dispute. The evidence of complainant and her father was recorded where they both have not supported the case

of prosecution. But, thereafter, both these witnesses were recalled as per order dt. 09/01/2014, passed below Exh.44 and were re-examined.

12] Evidence of informant discloses that after marriage with accused No.1, she had been to his house for cohabitation. She was treated well for initial period of 15 days, but thereafter accused demanded Rs.2,00,000/- to purchase a plot and she was physically as well as mentally ill-treated. Accused No.1 also assaulted her by means of fist and kick blows. In the month of December-2009, she along with accused No.1 came to reside at Gangakhed and stayed till 12/03/2010. and then went to village Shedyal. Her father also had been to Shedyal and convinced the accused, but the accused were demanding Rs.2,00,000/- from him. On 30/04/2010 at about 08.00 a.m., she had been to the room at Gangakhed, where she noticed that accused No.1 was with Manjusha Kulkarni. The complainant was driven out of room, after snatching her *mangalsutra*. The incident is witnessed by others. During her cross-examination, she deposed that at the time of marriage, all arrangement of guests was made by accused. Village Shedyal is at the distance of 400 to 450 k.m. away from her parents house. The accused has two houses and 28 acres agricultural land. Father of the accused is retired Army person. She is unable to tell the date when accused demanded money from her. She is elder than accused No.1.

13] PW-2 Sudhakar deposed that accused were demanding Rs.2,00,000/- to purchase a plot. Accused were giving ill treatment to the complainant. Accused No.1 stayed at his house for 08 days and one notice was sent by accused No.1 to the complainant for resuming cohabitation.

14] Accused are not disputing relationship of the complainant with them. Initial cohabitation of complainant is also not disputed. According to the case of prosecution, the accused treated the complainant with cruelty and demanded Rs.2,00,000/- from her to purchase the plot and drove her out of their house.

15] The accused are mainly charged for commission of offence punishable under section 498-A of IPC. Explanation of said provision is divided into two parts. Clause (a), said that any willful conduct which is of such a nature as is likely to drive a woman to commit suicide or to cause grave injury or danger to life, limb, health (whether mental or physical) of a woman and as per clause (b) where harassment of a woman is with a view coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her to meet to such demand is punishable.

16] Thus, explanation (b) of Sec.498-A, does not make each and every harassment as cruelty. The

harassment has to be with a definite object to coerce the woman to meet unlawful demand. Harassment by itself is also not a cruelty. Mere demand for property is also not cruelty. It is only where, harassment is shown to have been meted out for the purpose of coercing a woman to meet the demand, that is meant a cruelty and is punishable.

17] As admitted by the complainant, the economic condition of the accused is far better than the economic condition of father of the complainant. Accused No.2 is a retired Military person. Accused owns 28 acres agricultural land. Though the complainant and her father deposed that the accused demanded Rs.2,00,000/- from them, said allegations is of vague nature. No specific date of such demand is stated by any witness. No details of such demand are given by the witnesses.

18] Moreover, the evidence on record is of close relatives or of interested witnesses. No specific date or month is disclosed by a single witness about the ill treatment given to the complainant. Neither the neighbourer nor any witness residing by the side of the house of accused nor any mediator of marriage is examined on behalf of the prosecution to prove that any dowry was fixed or was paid to the accused or the accused were demanding any dowry. The allegations regarding ill treatment are also of vague nature. For proving the offence punishable under section 498-A of IPC, the degree of

conduct of the accused must be of such a nature that it would drive the complainant to commit the suicide or to cause grave injury or danger to her life, limb or health.

19] It appears that Ld. Magistrate examined the entire material and evidence on record and came to the conclusion that there is not an iota of material on the basis of which the cruelty as contemplated under Section 498-A IPC is proved by the prosecution. No evidence is also on record to prove that the accused intentionally insulted the complainant or gave any threat to her or criminally intimidated her. In my view, Ld. Magistrate was fully justified in recording the order of acquittal. There is no merit in both appeals to interfere with the order of acquittal. In the circumstances, both appeals need to be dismissed.

20] It is settled that in cases against acquittal, if the trial court had appreciated the evidence in right perceptive and recorded findings which are plausible and the view of trial court does not suffer from perversity, simply because the appellate court comes to a different conclusion on the appreciation of evidence, it will not substitute its finding to that of findings recorded by trial court. Admittedly, the accused are acquitted by trial court. The presumption of innocence of the accused gets strengthen on their acquittal.

21] Taking into consideration the evidence led by the prosecution, it is evident that the Ld. Trial court has rightly acquitted the accused and no interference is required in the findings of Trial Court. Hence, I record findings as to point Nos.1 to 4 in the negative. In view of negative findings as to point Nos.1 to 4, the accused needs to be acquitted and the both appeals need to be dismissed. Hence, in answer to point No.5, following order is passed.

-:- ORDER -:-

1. Both the appeals are dismissed.
2. Bail bonds of the respondents/ accused stand cancelled.
3. The original judgment be kept in Cri. Appeal No.52/2015 and its copy be kept in Cri. Appeal No.2/2016.
4. Copy of the judgment be sent to the Ld. Judicial Magistrate First Class, Gangakhed.
5. R & P be sent to the Ld. Trial court.

(G.P. Bawaskar),
Addl. Sessions Judge, Gangakhed.

Date: 08/07/2026.