

SUPREME COURT OF INDIA

State of Maharashtra

Vs.

Ashok Narayan Dandalwar

Crl.A.No.494 of 1994

(G. B. Pattanaik and S. N. Variava , JJ.)

27.04.2000

ORDER

1. This appeal is directed against an order of acquittal recorded by the High Court of Bombay acquitting the accused-respondent of his conviction under Section 498-A of the IPC.

2. The accused stood charged under Sections 498-A and 306, IPC, and the learned trial Judge acquitted him of the charge under Section 306, IPC, but convicted under Section 498-A, IPC. On an appeal being carried, the High Court examined the entire material on record and came to the conclusion that there is not an iota of material on the basis of which the cruelty which is the necessary ingredient for bringing home the charge under Section 498-A, IPC can be said to have been established and accordingly acquitted him.

3. Mr. Deshpande, appearing for the State vehemently contended that the oral evidence read with the letters supposed to have been written by the deceased to her brother as well as other persons unequivocally indicates the treatment that was meted out to her by the accused and therefore, the order of acquittal is wholly unjustified. But, having gone through the letters produced by the

prosecution, we do not find even a slightest assertion in any of the letters complaining against the husband either he was making any demand at any point of time or he has assaulted or treated the wife with cruelty or torture. In that view of the matter, when in so many letters (Exts. 11 to 17) the deceased has not reflected any cruelty alleged to have been meted out to her by the husband. It is difficult to maintain a conviction on the oral testimony of the younger brother of the deceased and, in our view, the High Court was fully justified in recording an order of acquittal. We see no merits in this appeal to interfere with the said order of acquittal.

4. The appeal accordingly fails and is dismissed. The bail bonds of the respondent shall stand discharged.

Appeal dismissed.