



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

CRIMINAL APPEAL NO.319 OF 2004

The State of Maharashtra

.... APPELLANT
(Original Complainant)

VERSUS

1. Sangaram s/o Dadarao Digole,
Age : 28 years, Occu.: Agriculture,
2. Dadarao s/o Ramrao Digole,
Age : 52 years, Occu.: Agriculture,
3. Sau. Gangabai w/o Dadarao Digole,
Age : 52 years, Occu.: Agriculture,
All R/o.: Rohina, Tq. Chakur,
District : Latur

.... RESPONDENTS
(Original Accused)

....
Mr. P. S. Patil, A.P.P. for Appellant – State
Mr. V. R. Dhorde, Advocate for Respondent Nos.1 to 3

....

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

DATED : 16/01/2026.

JUDGMENT : (PER : Sandipkumar C. More, J.) :

1. The appellant–State has challenged the acquittal of the present respondents–accused in Sessions Case No.29 of 2002 from the offences punishable under Sections 302 and 498-A read with

Section 34 of the Indian Penal Code, as recorded by the learned Adhoc Additional Sessions Judge, Latur (hereinafter referred to as “the learned Trial Judge”), vide judgment and order dated 15.01.2014 in the aforesaid case.

2. According to the prosecution, one Meera @ Ranjana, daughter of PW-3 Gangadhar, was married to respondent No.1, Sangram Digole, on 8th May 1999. Respondent Nos.2 and 3 are her in-laws. For about one and a half years after the marriage, the respondents/accused treated her well; however, thereafter, they began harassing Meera on account of a demand of Rs.1,00,000/- for starting a business. The deceased, Meera, visited her parental home and informed her family members—namely, PW-3 (father Gangadhar), PW-4 (brother Sugriv) and PW-7 (cousin Mahananda) about the demands and expressed fear that the respondents would kill her if the demands were not fulfilled.

However, on 17.04.2001, at about 11.30 a.m., respondent No.2 came to the house of PW-3 and informed him that Meera was angry because her gold ornaments had been sold. Respondent No.2 also requested PW-3 to accompany him to Mahandol to “pacify” her. Accordingly, when PW-3 Gangadhar accompanied respondent No.2, they met a person from Mahandol on the way to

Udgir, who informed them about the death of Meera. Thereupon, Gangadhar returned to Loni, gathered his relatives and again proceeded to Mahandol and reached there at about 3.30 p.m.

Upon noticing injuries on Meera's neck as well as above her right eye, they lodged a report with Udgir (Rural) Police Station, accusing the respondents/accused. PW-8, Dr. Shrirang Akashe, conducted the post-mortem examination and found that the cause of death of Meera was "asphyxia due to strangulation or hanging." As such, suspecting that the accused had committed the murder of Meera by throttling on non-fulfillment of their illegal demand, the prosecution charge-sheeted them under the aforesaid sections. However, the learned Trial Judge, after conducting the trial, acquitted all the respondents-accused of the aforesaid offences.

3. The learned APP for the appellant-State vehemently argued that the learned Trial Judge failed to properly appreciate the evidence on record and ignored the medical opinion, wherein it was stated that the strangulation mark was not possible to have been caused by a Saree, thereby ruling out suicidal death. He further submitted that since the incident occurred inside the house of the respondents-accused, they were under an obligation to explain the circumstances under which Meera died. According to him, in the

absence of any such explanation, the learned Trial Judge ought to have inferred that the accused Sangram, with the help of the other accused, had strangled Meera to death.

4. On the contrary, the learned counsel for the respondents–accused strongly resisted the submissions advanced by the learned APP and supported the impugned judgment. According to him, the learned Trial Judge, on the basis of the evidence on record, had rightly come to the conclusion that none of the respondents–accused were present in the house when Meera committed suicide. He further pointed out that, as per the prosecution case itself, when the complainant, i.e., Meera’s father, was on his way to pacify her as she was upset due to the accused having sold her gold ornaments, a message was received informing him that she had committed suicide. He submitted that there is no eyewitness to the incident and unless it is established that the respondents–accused were present in the house at the time of the incident, no obligation can be cast upon them to offer any plausible explanation.

5. Heard the learned APP for the appellant–State as well as the learned counsel for the respondents–accused. Also perused the

entire oral and documentary evidence on record along with the impugned judgment.

6. It is to be noted that there is no eyewitness to the incident and it has also come on record that at the time of the incident, all the accused were not present at home. Further, according to the prosecution, Meera was strangled to death as no ligature material was found at the spot. However, PW-8 Dr. Akashe had initially opined that the injuries in cases of manual strangulation as well as suicidal hanging appear similar in nature. In these circumstances, it is required to be ascertained whether the death of Meera was homicidal or suicidal.

7. Though the Medical Officer, i.e., PW-8 Dr. Akashe, in his chief examination stated that the injury to the neck of the deceased was not possible to have been caused by a Saree, thereby discarding the possibility of suicide, but in his cross-examination he clearly admitted that the injuries sustained by the deceased indicated positive signs of hanging as compared to strangulation. Moreover, he further admitted that he agreed with the suggestion that all the findings noted in the post-mortem notes were more in favour of death by hanging rather than strangulation. In view of these

admissions made by the expert witness, it can safely be inferred that the deceased had committed suicide, particularly when the prosecution failed to establish that the accused were present at the spot at the time of the incident.

8. Further, in paragraph 24 of the judgment, the learned Trial Judge has observed that, despite being on duty, PSI Surve, the Investigating Officer, did not make any effort to trace the rope or Saree alleged to have been used by the deceased for hanging herself, particularly when, during the course of evidence, it had come on record that the dead body of the deceased was found in a hanging condition, as stated by various persons from village Mahandol. It was further observed that the prosecution, in order to suppress the factum of suicidal death, did not examine any of those persons. Moreover, it was found that the evidence of the prosecution witnesses fell short of establishing that any of the accused persons were present at the time of the incident. Thus, considering all these facts, the acquittal recorded by the learned Trial Judge appears to be proper.

9. It is well settled that suspicion, howsoever strong, cannot take the place of proof. In the present case, it appears that the

prosecution has failed to establish the guilt of the accused beyond reasonable doubt. Further, considering the limited scope of an appeal against acquittal, it is not permissible to interfere with the impugned judgment merely because another view is possible. Therefore, we do not find any perversity in the impugned judgment. As such, the appeal is devoid of merit and dismissed accordingly.

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

VS Maind/-