



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

CRIMINAL APPEAL NO. 582 OF 2006

The State of Maharashtra

Through PI Jilha Peth Police Station,

Jalgaon, District Jalgaon.

....Appellant

Versus

Gajanan s/o Ramsingh Sathe

Age: 23 years, Occupation : Service,

Resident of Jamnathi, Taluka Bodwad,

At present residing at Kedarnagar,

Pimprala, District Jalgaon.

.....Respondent

(Ori Accused)

.....

Mr. V. S. Badakh, APP for Appellant.

Ms. Shilpa Magre, Advocate for Respondent (Appointed).

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 20 AUGUST, 2026

PRONOUNCED ON : 21 AUGUST, 2026

JUDGMENT :

1. In this appeal, there is challenge to the judgment and order of acquittal dated 07.03.2006 in Sessions Case No.56 of 2005, by which respondent herein, who was tried for offence under Sections 498-A, 306 of Indian Penal Code [for short "IPC"], stood acquitted.

BRIEF FACTS OF THE CASE

2. Prosecution was lodged against present respondent on the premises that deceased Shraddha was married to respondent on 23.05.2004. Informant reported that amount of Rs.31,000/- was incurred towards the said expenses. After marriage, when she went to cohabit with accused, it is alleged that under influence of liquor, accused beat Shraddha. There was demand of Rs.50,000/- for purchase of plot. On account of non fulfillment of demand, it is a case of prosecution that deceased was subjected to maltreatment. Accused used to threaten to kill her and throw her on the railway track. On 17.01.2005, dead body of Shraddha was spotted on the railway track. Therefore, P.W.1 set law into motion on the strength of which Crime was registered bearing No.09 of 2005 for above offences and after completion of investigation, he was duly charge-sheeted and tried, but ultimately came to be acquitted. Hence, appeal by State.

SUBMISSIONS**On behalf of Appellant – State :-**

3. Learned APP would apprise this Court about the prosecution case i.e. after marriage, accused used to beat deceased under influence of liquor and raised a demand of Rs.50,000/- for

purchasing a plot and on account of non-fulfillment of said demand, subjected the deceased to cruelty. He pointed out that prosecution has rested its case on evidence of as many as six witnesses. He pointed out that informant happens to be the uncle of deceased and P.W.2 is her father. That, they both are consistent about cruelty and demand. That, there was continuous harassment for amount of Rs.50,000/- and that deceased duly reported to informant, who in turn reported her father and there is deposition to that extent, which has remained unshaken.

. Learned APP further pointed out that the suicide note was also recovered by the investigating machinery. However, learned Trial Court failed to consider and appreciate said vital piece of evidence and acquitted the accused. According to learned APP, there was cogent reliable evidence in support of the charges, but due to incorrect appreciation of evidence, trial ended up in acquittal and so the impugned judgment is sought to be set aside by allowing the appeal.

On behalf of respondent – original accused :-

4. Learned Counsel for the respondent/accused would support the judgment and order of acquittal by submitting that prosecution

has miserably failed to bring home the charges. According to him, there are general, vague and omnibus allegations. Specific instances of cruelty are not spelt out by any of the prosecution witnesses. As essential ingredients for attracting the charges were not available in the prosecution evidence, it is submitted that learned Trial Court rightly appreciated the evidence.

. As regards the offence under Section 306 of the IPC, it is submitted that the prosecution evidence is bereft of any evidence of abetment, inducement or instigation to commit suicide. There is no iota of evidence that accused indulged in any positive act with sole intention that deceased should end her life by committing suicide. Hence, he supports the judgment and order of acquittal and prays to dismiss the appeal for want of merits.

BRIEF ACCOUNT OF EVIDENCE IN TRIAL COURT

5. Though prosecution has adduced evidence of as many as six witnesses, crucial evidence is of **P.W.1** informant and **P.W.2** father of deceased. There is no challenge in the Trial Court about marriage of respondent and deceased to be performed on 23.05.2004 and deceased died due to unnatural death on 17.01.2005. In view of the charges, it is to be seen whether deceased was subjected to physical

and mental cruelty in the backdrop of demand and only getting fed up of the same, deceased committed suicide by jumping before the running train.

6. Re-appreciated and reanalyzed the entire evidence. Sum and substance of the evidence of relevant witnesses is as under :-

. **PW.1** Prakash, in his evidence at Exhibit-12, deposed that after marriage, accused started ill treating Shraddha. He used to beat her after consuming liquor. She informed the said fact to him on phone. Accordingly, he informed her father and they both tried to convince her and gave understanding to the accused, but there was no improvement. According to this witness, rather, the ill-treatment was aggravated, and the accused made a demand of Rs.50,000/- for purchasing a plot, which was also informed to him by the deceased. According to him, she also informed him about the threat given by the accused to cause her death if the demand was not fulfilled, and she also stated that the accused would kill her by throwing her onto the railway track. Then, he deposed about receiving a telephonic message on 17.01.2005 and, accordingly, going to Jalgaon Civil Hospital and noticing the dead body of the deceased. According to him, on 18.01.2005, after the funeral, police recovered a chit, which

was a letter written by the deceased and addressed to him and his wife. He identified the letter as well as accused before the Court.

Relevant cross-examination is dealt herewith. While under cross-examination, he admitted that the marriage of the deceased was solemnized in a mass marriage ceremony. He is unable to state from where deceased telephoned him. He admitted that he learnt from the father of deceased that the behavior of accused was good. Omissions are brought in paragraph No.8 of his cross-examination about he informing police that accused beat deceased under influence of liquor. There is also omission about he informing this fact to PW.2. He also admitted that he is unable to State when demand of Rs.50,000/- raised and told to him by deceased.

. **PW.2**, father of the deceased, at Exhibit-15, also deposed about the date of marriage of his daughter and the expenses incurred in the marriage. Even according to him, after marriage, accused started ill treating his daughter by raising demand of Rs.50,000/- to purchase plot and that he often beat her and threaten to throw her on the railway track and kill her. However, he claims to have learned about this from his brother-in-law at Dhule on phone. Then, he deposed about telephonic message being received on 17.01.2005 and he accordingly, going to Jalgaon and learning about death of his

daughter. According to him, police told him that they found handwritten chit at the spot i.e. railway track.

While under cross-examination, he admitted that he did not have notebook written by his daughter. He also admitted that police never asked him whether the writings were of Shraddha and he admitted never handing over Exhibit Nos.16 to 20 to Police. In paragraph No.7 of his cross-examination, he candidly admitted that his daughter never, on her own accord, told him about demand of Rs.50,000/-by accused for purchase of plot. He admitted that he had never been to the house of daughter since marriage till her death and also admitted that he never inquired with her daughter regarding demand of money or ill treatment. Rest is all denial.

. **PW.4** is the aunt of the deceased and, in her evidence at Exhibit-24, deposed that the deceased was residing 1,000 feet away from her house and that the deceased told her that accused had demanded Rs.50,000/- for purchasing a plot and that he used to beat her after consuming liquor. She claims that prior to death of Shraddha, Shraddha had been to her house and accused had followed her. That, he demanded Rs.50,000/- and also assaulted Shraddha in her presence by slapping her. She claims that on 17.01.2005 deceased met her and told that accused beat her for non

fulfillment of demand. She claims that, thereafter, when she went to pay the house tax, she learnt from her daughter-in-law that Shraddha had gone to Pradip Kaka. She thereafter received a phone call from Pradip informing her that Shraddha's uncle, namely, Prakash, could not come and that he would come after two days. Shraddha was thereafter searched for, and ultimately, they learnt from the police that the dead body of the deceased had been noticed on the railway track.

While under cross-examination, there is simplicitor denial to every suggestion.

- . **PW.3** is the panch.
- . **PW.5** is the railway staff, who noticed dead body.
- . **PW.6** is the Investigating Officer.
- . Accused has examined himself as **D.W.1** at Exhibit-39 and he deposed that Exhibit Nos.16 to 20 are not in the handwriting of Shraddha and Exhibit-34 does not bear her signature.

ANALYSIS

7. On complete re-appreciation of above evidence, it is noticed that marriage is of May, 2004 and deceased died on 17.01.2005.

Though PW.1, PW.2 and PW.4 are examined, none of them specifically stated what was the nature and form of ill treatment. When there was beating is also not stated. Though witnesses speak of demand of Rs.50,000/- for plot, none of them have given details as to where the said plot was to be purchased by accused. In fact, cross-examination of PW.1 informant inflicts severe blow to the prosecution, because he has given vital omissions like accused beating deceased under influence of liquor. He admitted that he does not know the exact date when deceased told him about demand of Rs.50,000/-. Though he claims to have learnt it on phone, Investigating Officer has not gathered the details of the phone call. Very father of deceased also seems to have received hearsay information, that too from PW.1. He admitted in cross-examination that his daughter never directly told him about demand or beating. Evidence of PW.4 seems to be exaggerated. Consequently, on the point of cruelty, there is weak evidence.

8. So far as Section 498-A of IPC, the Hon'ble Apex Court, in the case of *Manju Ram Kalita v. State of Assam*, reported in (2009) 13 SCC 330, has clarified as to what is meant by "cruelty" which is contemplated under Section 498-A of IPC. It is held that, cruelty must be assessed contextually which is distinct from its usage in

other statutes. The germane of the accusation which is expected to be established is that, the woman was subjected to cruelty “continuously” or “persistently” or at least in close proximity to the time of lodging complaint. There has to be willful conduct to drive the woman to commit suicide or to cause grave injury to her life, limb or health (mental and physical). It has to be demonstrated that there was harassment with the view to coercing her or her relatives to meet any unlawful demand and harassment was on account of failure to meet the same. The above propositions are also echoed and reiterated in the recent judgment of the Hon’ble Apex Court in the case of ***Smt. Bhagwati Devi v. State of Uttarakhand*** reported in 2025 INSC 1051.

Here, there is no evidence meeting the above requirements and, hence, the allegations being omnibus and general in nature, the charge under Section 498-A of IPC fails.

9. As regards the charge under Section 306 of IPC is concerned, the solitary piece of evidence is a chit, however, it has not been proved to be in the handwriting of the deceased and, therefore, the said piece of evidence has no significance. Moreover, there is nothing to show that the accused abetted, instigated or induced the deceased to end her life, nor is there any evidence to show that the accused

created such circumstances due to which the deceased was left with no alternative but to end her life. In fact, what happened on or before 17.01.2005 has not come on record. What positive part accused played in the alleged unnatural death of deceased is not substantiated.

10. Law is fairly settled as regards the applicability of Section 306 of IPC is concerned. Time and again, in umpteen judgments, Hon'ble Apex Court as well as this Court has reiterated that, apart from inducement, direct instigation, active participation, there has to be *mens rea* also. The proximate trigger which led to suicide is also time and again clarified while dealing with above provision.

. Few cases that could be named are, *Ramesh Kumar v. State of Chhattisgarh* (2001) 9 SCC 618, *S. S. Chheena v. Vijay Kumar Mahajan and Others* (2010) 12 SCC 190 as well as *M. Mohan v. The State represented by The Deputy Superintendent of Police* MANU/SC/0161/2011, wherein standard of "instigation" is elaborately dealt and discussed.

. Even, in the case of *Abhinav Mohan Delkar v. State of Maharashtra and others*, MANU/SC/1103/2025 the Hon'ble Apex Court has reinforced "proximate trigger" doctrine emphasizing that

there has to be close temporal and casual connection between the conduct of accused and the alleged suicide. Continuous harassment, without recent instigation, is held to be not sufficient to sustain the charge.

. Hence, even this charge under Section 306 of IPC also fails for want of essential ingredients.

CONCLUSION

11. In the light of above discussion, there being no convincing, cogent and reliable evidence in support of the above charges, learned Trial Court committed no error whatsoever in refusing to accept the case of prosecution. Hence, appeal fails for want of merits. Accordingly, the following order is passed :-

ORDER

I. Criminal Appeal is dismissed.

II. Fees of the learned counsel appointed to represent respondent No.2, is quantified at Rs.10,000/-, which is to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

(ABHAY S. WAGHWASE)
JUDGE