

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 391 OF 2017

Sandeep Bhondve

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Tapan Thatte i/b Mr. Vivek Arote for the Applicant.

Ms. Rashmi Tendulkar, APP for Respondent/State.

Ms. Mayanka S.R. for Respondent No.2.

PSI Ravindra Khamgal, Talegaon Dabhade, Pune Police Station present in Court.

CORAM : M.M. SATHAYE, J.

DATE : 27th AUGUST, 2026

P.C. :

1. Heard learned counsel for the parties.
2. Invoking section 397 read with Section 401 of Code of Criminal Procedure, 1973 ('CrPC' for short), sole accused is challenging the order dated 01.07.2017 passed by Additional Sessions Judge, Pune below Exhibit 15 in Sessions Case No. 413 of 2016, by which Applicant's discharge application is rejected. The Applicant is seeking discharge from FIR No. 166 of 2015 registered with Talegao Dabhade Police Station, Pune for alleged offences punishable under Section 306, 504 and 506 of Indian Penal Code, 1860 ('IPC' for short).
3. Respondent No. 2-Complainant is the brother of deceased Sagar Pandurang Darekar, who committed suicide on 10.06.2015.

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4. Respondent No. 2 filed FIR dated 15.06.2015 alleging as under. That the Applicant-Accused is relative of complainant and deceased. That Applicant is engaged in business of land purchase and sale, who induced the deceased to invest money for profits. That deceased had paid/invested total Rs. 59,00,000/- with the Applicant in the land transaction in respect of Gat No. 324 with a third person Mr. Bhowmik. That the deceased had paid/invested the amount through cheques and cash in a land transaction. That the complainant and deceased came to know that bypassing them, the Applicant has directly completed the transaction of further sell without informing the Complainant and his brother. That not even original amount of Rs. 59,00,000/- is returned or repaid, let alone any profit thereon. That the transaction had taken place in November 2013. That on being confronted, the Applicant-Accused kept promising return of money. It is further alleged that before marriage of the complainant, on insistence of the Complainant and the deceased, when they met the Applicant-accused at home and at Sentosa Hotel, Ravet many times asking for money, Applicant-Accused had issued 4 cheques dated 30.04.2014, 29.09.2014, 16.11.2014 and 17.03.2015 amounting total to Rs.27,00,000/- which were dishonored. That since the complainant and his brother were in dire need of money for the purpose of marriage, they again went and requested the Applicant-Accused for payment of money, when they were threatened by Applicant's bodyguard who said that he will kill them with a pistol. It is alleged that thereafter, when the deceased demanded money by calling the accused on his mobile number, the Applicant-Accused told him that he will not pay and the deceased can do whatever he wants and threatened that if deceased called again, the Applicant will kill him. In such circumstances the deceased has committed suicide leaving behind a suicide note naming

the Applicant-Accused as a reason for ending his life.

5. Investigation was carried out. Spot Panchnama has been conducted on 10.06.2015 where the suicide note has been found. Chargesheet is already filed. Statements of following persons are recorded during investigation :

Sr.No.	Name	Relation
1.	Sameer Pandurang Darekar	Informant – Brother of deceased. Statement recorded on 11.06.2015 and during registration of FIR on 15.06.2015.
2.	Sachin Narayan Dhamankar	Brother-in-law (sister's husband). Statement recorded on 11.06.2015 and 16.06.2015.
3.	Babasaheb alias Pandurang Vitthal Darekar	Father of deceased. Statement recorded on 11.06.2015 and 16.06.2015.
4.	Kamal Babasaheb alias Pangurang Darekar	Mother of deceased. Statement recorded on 11.06.2015 and 16.06.2015.
5.	Rupali Sachin Dhamankar	Sister of deceased. Statement recorded on 11.06.2015 and 16.06.2015.
6.	Ramdas Baban Ghojge	Businessman (Kirana shop owner). Farm of deceased behind his shop. Statement recorded on 16.06.2015.
7.	Nitin Gopal Madake	Friend of deceased. Statement recorded on 17.06.2015.
8.	Sandeep Shivaji Bhondve	Present Applicant-Accused. Statement recorded on 19.06.2015.
9.	Sagar Ashok Gaikwad	Distant relative of the deceased. Statement recorded on 22.06.2015.
10.	Suraj Bharat Ghojge	Person visited the spot on day of suicide. Statement recorded on 26.06.2015.

11.	Hemant Devram Pardhi	Person visited the spot on day of suicide. Statement recorded on 26.06.2015.
12.	Kundan Mahadev Mashram	Tenant of the room where suicide is committed. Statement recorded on 26.06.2015.
13.	Laxmi Maruti Kasle	Tenant of the adjacent room. Statement recorded on 26.06.2015.
14.	Amit Phanindranath Bhowmik	Person connected with land Gat No. 324. Statement recorded on 01.11.2015.

6. The Applicant filed application below Exhibit-15 seeking discharge under Section 227 of CrPC. By the impugned order dated 01.07.2017, the learned Additional Session Judge, Pune has refused to discharge the Applicant.

SUBMISSIONS

7. Learned counsel Mr. Thatte appearing for the Applicant submitted as under.

7.1. That the alleged suicide note is unsigned and if the admitted handwriting of the deceased is considered, then *ex-facie* suicide note does not appear to be written by the deceased.

7.2. That the deceased has committed suicide allegedly due to non payment of invested amount but there is no direct evidence to show any participation or instigation by the Applicant to compel the deceased to commit suicide.

7.3. That the suicide has been committed after almost 15 days from the date of marriage of the complainant for which money was seriously demanded and FIR does not indicate any clear timeline during which the amount was insisted and not paid which is the alleged cause for

suicide. It is submitted that therefore, there is no proximate reason connecting the Applicant with the suicide and proximity is broken in the present case.

7.4. That there is no *mens rea* present and assuming that Applicant is a person who has refused to repay the money, it cannot be said that he intended or instigated the deceased to commit suicide; that even suicide note does not indicate any instigation by the Applicant.

7.5. Relying on Section 47 of the Indian Evidence Act, 1872 it is submitted that statement of nobody who can be said to be acquainted with the handwriting of deceased, has been recorded.

7.6. That the Applicant has been falsely implicated and necessary ingredients of Section 306 r/w 107 of IPC are not spelled out from the allegations. He relied on following Judgments in support of his case :

(i) Abhinav Mohan Delkar V/s. State of Maharashtra in Criminal Appeal No. 2177 and 2185 of 2024, Judgment dated 18.08.2025 by the Hon'ble Supreme Court.

(ii) Harbhajan Sandhu V/s. State of Punjab and Anr. CRM-M-34495-2021 (O&M)

8. On the other hand, learned APP supported by impugned order contending *inter alia* as under.

8.1. That chargesheet is already filed and Applicant must face trial.

8.2. That statements in the FIR clearly disclose the offence of abetment to suicide.

8.3. That monetary transactions involving huge pending amount with Applicant coupled with threat to kill if money is demanded is clearly alleged in FIR.

8.4. That the Applicant is named in the FIR as well as in the suicide note; therefore there is strong suspicion.

8.5. That whether the handwriting in the suicide note is that of deceased is a matter of trial.

8.6. That at the stage of discharge, the Court is not expected to go into evidentiary value of the material produced on record by the prosecution.

9. Learned counsel appearing for Respondent No. 2 complainant also supported the impugned order, contending *inter alia* that at the stage of Section 227 of CrPC, it is not necessary for the Court to enter into pros and cons of the matter or into weighing and balancing the evidence and probabilities, which is the function after the trial starts. She submitted that the material gathered by investigation, *ex-facie* discloses that there are suspicious circumstances against the Applicant-Accused and therefore, charges must be framed and the accused must be tried. She relied on **Union of India V/s. Prafulla Kumar Samal and Another (1979) 3 SCC 4** in support of her case. She also relied upon **State of Tamil Nadu by Inspector of Police Vigilance and Anti Corruption V/s. N. Suresh Rajan and others (2014) 11 SCC 709** in support of her case that at the stage of considering discharge application, the Court has to proceed with an assumption that material brought on record by prosecution is true.

REASONS AND CONCLUSION

10. I have considered the rival submissions and perused the record. At the outset, it is necessary to bear in mind the scope of both discharge application as well as limited revisional jurisdiction being exercised by this Court.

11. In **Prafulla Kumar (supra)**, the Hon'ble Supreme Court was

considering the scope of Section 227 of CrPC, where it is held that while deciding discharge application, the Court should not act as a Trial Court, but should weigh evidence and form opinion only on the limited question of whether a *prima facie* case is made out. The Hon'ble Supreme Court has held as under :

“7. Section 227 of the Code runs thus:

If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf. the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.

The words 'not sufficient ground for proceeding against the accused' clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really his function after the trial starts. At the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. The sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him.

8. The scope of Section 227 of the Code was considered by a recent decision of this Court in this Court in the case case of **State of Bihar v. Ramesh Singh (1977) 4 SCC 39** where Untwalia, J.,

speaking for the Court observed as follows:

Strong suspicion against the accused, if the matter remains in the region of suspicion, cannot take the place of proof of his guilt at the conclusion of the trial. But at the initial stage if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is not in the sense of the law governing the trial of criminal cases in France where the accused is presumed to be guilty unless the contrary is proved. But it is only for the purpose of deciding prima facie whether the Court should proceed with the trial or not. If the evidence which the Prosecutor proposes to adduce to prove the guilt of the accused even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, cannot show that the accused committed the offence, then there will be no sufficient ground for proceeding with the trial.

This Court has thus held that whereas strong suspicion may not take the place of the proof at the trial stage, yet it may be sufficient for the satisfaction of the Sessions Judge in order to frame a charge against the accused. Even under the Code of 1898 this Court has held that a committing Magistrate had ample powers to weigh the evidence for the limited purpose of finding out whether or not a case of commitment to the Sessions Judge has been made out.”

(emphasis supplied)

12. In **N. Suresh Rajan (Supra)**, once again while considering the scope of Section 227 of CrPC, the Hon'ble Supreme Court has held as under.

“29. We have bestowed our consideration to the rival submissions and the submissions made by Mr Ranjit Kumar commend us. True it is that at the time of consideration of the applications for discharge, the court cannot act as a mouthpiece of the prosecution or act as a post office and may sift evidence in order to find out whether or not the allegations made are groundless so as to pass an order of discharge. It is trite that at the stage of consideration of an application for discharge, the court has to proceed with an assumption that the materials brought on record by the prosecution are true and evaluate the said materials and documents with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage.”

(emphasis supplied)

13. In **State of Rajasthan V/s Ashok Kumar Kashyap (2021) 11 SCC 191**, the Honb’le Supreme Court while considering the scope of interference at the stage of framing charges or consideration of discharge application has held as under.

“11.1 In *P. Vijayan*, this Court had an occasion to consider Section 227 CrPC What is required to be considered at the time of framing of the

charge and/or considering the discharge application has been considered elaborately in the said decision. It is observed and held that at the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. It is observed that in other words, the sufficiency of grounds would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him. It is further observed that if the Judge comes to a conclusion that there is sufficient ground to proceed, he will frame a charge under Section 228 CrPC, if not, he will discharge the accused. It is further observed that while exercising its judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

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13. Having considered the reasoning given by the High Court and the grounds which are weighed with the High Court while discharging the accused, we are of the opinion that the High Court has exceeded in its jurisdiction in exercise of the revisional jurisdiction and has acted beyond the scope of Section 227/239 CrPC. While discharging the accused, the High Court has gone into the merits of the case and has considered whether on the basis of the material on record, the accused is likely to be convicted or not. For the aforesaid, the High Court has considered in detail the transcript of the conversation between the complainant and the accused which exercise at this stage to consider the discharge application and/or framing of the charge is not permissible at all.

14. xxxx

15. As observed hereinabove, the High Court was required to consider

whether a *prima facie* case has been made out or not and whether the accused is required to be further tried or not. At the stage of framing of the charge and/or considering the discharge application, the mini trial is not permissible. At this stage, it is to be noted that even as per Section 7 of the PC Act, even an attempt constitutes an offence. Therefore, the High Court has erred and/or exceeded in virtually holding a mini trial at the stage of discharge application.”

(emphasis supplied)

14. It is therefore clear that while considering the discharge application, this Court cannot go into the merits of the case. It cannot be considered whether on the basis of material on record, the accused is likely to be convicted or not. What is required to be considered is whether *prima facie* case has been made out or not and whether the accused is required to be further tried or not. The Court is expected to sift through the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused and it is not necessary for the Court to enter into the pros and cons of the matter or weighing and balancing of evidence and probabilities and mini trial is not permitted.

15. Considering the said legal position explained by the Hon'ble Supreme Court, when the statements of complainant and relatives of the deceased are perused, it is seen that the deceased had invested money at the instance of the Applicant-Accused in a land transaction where the deceased did not get any returns; neither the amount invested was returned nor any profits were received and when the amount was demanded, as it was required urgently for marriage of the complainant, the Applicant-Accused had issued various cheques from April 2014 till March 2015 which all got dishonored. As the marriage

was fixed on 25.05.2015, when the deceased demanded the money, the Applicant's bodyguard threatened to kill him with pistol. Thereafter, the Applicant took a stand that he will not pay any money and a threat was given that if again telephone call is made, the Applicant will kill the deceased.

16. The amount was demanded as it was required for marriage and the suicide has taken place after the marriage, when the money was not returned. Therefore, the suicide has taken place after non-availability of money for the event involved. For this reason, it is necessary that the argument about 'proximate involvement' is decided at trial, and can not be considered decisively at the stage of discharge.

17. The suicide note is found on the spot which is recorded in spot panchnama. The suicide note contains the name of the Applicant. Whether deceased's hand writing is proved or not is clearly something that can not be decided at the stage of discharge and is squarely a matter of trial.

18. In such circumstances, in my view, enough material exists creating suspicious circumstances and *prima facie* indicating involvement of the Applicant as a reason for the deceased being left with a situation where despite demand, huge money was not returned coupled with a threat by the Applicant to kill him.

19. In that view of the matter, case for discharge is not made out. Learned Sessions' Judge, under impugned order has considered the material available on the record and has rightly come to the conclusion that case for discharge is not made out.

20. Learned counsel for the Applicant has relied upon **Abhinav Mohan Delkar (Supra)** to contend that even if there are allegations of constant harassment continued over a long period, in order to bring ingredients of Section 306 read with 107 of IPC, still there has to be a proximate prior act to find that suicide was the direct consequence of such continuous harassment. In the case at hand, according to the allegations, from November 2013 the deceased had invested a large amount of Rs.59,00,000/- with the Applicant in a land transaction, which was completed bypassing the deceased and his brother and without taking the deceased into confidence and without returning any money, let alone profits. The deceased and his brother complainant were in dire need of money for the marriage of the complainant for which repeated demands were made, but the demands were met with refusal and a threat to kill and thereafter by a stand that the deceased can do whatever he wants, but if again phone call is made then the Applicant will kill the deceased. Faced with such situation, the deceased and his brother did not get the money till marriage and thereafter, apparently a situation is created which led the deceased committing suicide writing name of the Applicant in suicide note. In such circumstances, it cannot be said *prima facie* that there was no proximate cause to connect the Applicant with the suicide. Therefore, in the peculiar facts of this case, the judgment of **Abhinav Mohan Delkar (supra)** will not advance the case of the Applicant.

21. Learned counsel for the Applicant has relied upon **Harbhajan Sandhu (Supra)** to point out that lapse of 20 days or 3 days between the date of occurrence and the alleged proximate cause has been found to be sufficient to quash the FIR. The ratio of the Judgment is applicable only in principle, and it must be seen in the context of facts

involved. As already explained, considering the FIR as well as various statements recorded, it cannot be said, at this stage, that there was no proximate cause connecting the Applicant with the suicide. Therefore, the said judgment would also not advance the case of the petitioner.

22. Lastly, so far as the argument that the statement of none of the persons who can be said to be acquainted with the deceased's handwriting is recorded and therefore the suicide note cannot be looked into, is concerned, suffice it to observe that neither the Sessions Court nor this Court is expected to weigh the evidence and to consider its pros and cons for the purpose of proving the guilt. That exercise is expected at the stage of trial, not now.

23. In the aforesaid facts and circumstances and for reasons indicated above, no case for interference is made out.

24. **Criminal Revision Application is accordingly dismissed.**

(M.M. SATHAYE, J.)