

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 538 OF 2015

1. Surendra Ugamaraj Sancheti
2. Himanshu Jayant Jain
3. Mrs. Snehlata Jayant Jain ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. Sanjeev Sawant a/w Mr. Sandeep Barve and Mr. Prathamesh Waikar
and Aman Meher i/b B.K. Barve and Co. for the Applicants.

Ms. Manisha Tidke, APP for Respondent/State.

CORAM : M.M. SATHAYE, J.
DATE : 28th AUGUST, 2026

P.C. :

1. Heard learned Counsel for the Applicants and learned APP for the State.

2. The Applicants are accused for offence punishable under Section 306 read with Section 34 of Indian Penal Code, 1860 ('IPC' for short). They are challenging Order dated 12.10.2015 passed by Assistant Sessions Judge, Pune below Exhibit No. 33 in Sessions Case No.94 of 2015, rejecting an application for discharge under Section 227 of Code of Criminal Procedure, 1973 ('CrPC', for short).

3. The case of the prosecution in short is as under.

3.1. That on 06.07.2014 at 06.20 p.m. the complainant received information about accidental death of one Parth Surendra Sancheti who was admitted in the hospital for consumption of poison and was declared dead before treatment. In postmortem, the opinion about reason for death was reserved. After handing over dead body of the deceased, to his step father (Applicant No.1), when police took spot

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inspection, they found one diary in which a suicide note was written alleging that the Applicants and one more person by name Hemant Solanki are responsible for the death.

3.2. After inquiry with relatives and neighbour of the deceased, they received information that deceased was staying alone and none of the family members looked after him. It was learnt that Applicant Nos. 1 to 3 are the step father, step-father's sister and her son respectively. Applicants are alleged to have caused mental harassment to the deceased by ignoring his maintenance as well as taking his responsibility.

4. It is not disputed that chargesheet is filed in January 2015 and thereafter the present application Exhibit No. 33 was filed seeking discharge. By impugned order, the discharge application is rejected.

SUBMISSIONS

5. Mr. Sawant, learned Counsel appearing for the Applicants submitted as under.

5.1. That no case of instigation is made out against the Applicants for prosecuting them under Section 306 read with 107 of IPC.

5.2. That *prima facie* the offence of abetment of suicide is not made out against the Applicants.

5.3. That the Applicants cannot be held responsible because there is no proximate cause and from suicide note it appears that the deceased was not performing well in the school/college and due to his dreams of happy life with parents and girlfriend, being shattered, there was emotional breakdown.

5.4. That suicide note is dated 14th March without any year mentioned and the actual suicide has taken place on 06.07.2014 and therefore, there cannot be any proximate reason.

5.5. That though the name of biological father Mr. Hemant Solanki is appearing in suicide note, he has not been chargesheeted.

5.6. That FIR has been registered after 10 days on 16.07.2014.

5.7. That the Applicants were not even aware of whereabouts of the deceased and about his place of residence prior to suicide and none of them were in his contact for many years after 2007. As such there is no proximate cause.

5.8. That there are no allegations nor any incidents mentioned in FIR or chargesheet that the Applicants had met the deceased reasonably prior to his suicide.

5.9. That there are no allegations even in the suicide note about any quarrel or meeting or interaction of any sort between Applicants and deceased and therefore there cannot be any instigation by the Applicants either on 14th March or 06th July.

5.10 That none of the persons whose statements are recorded by police have stated that they have seen the Applicants with deceased anytime prior to suicide or in the preceding years.

5.11. That there is no circumstance mentioned which can be termed as direct proximate cause of suicide.

5.12. That the deceased was having suicidal tendency which is evident from the fact that in November and December, 2007 when he was staying at hostel, in another notebook (of which panchnama is made) deceased had written two pages indicating thoughts of suicide.

5.13. He relied on following case law in support of his case.

(i) Madan Mohan Singh v/s. State of Gujarat and Anr. (2010) 8 SCC 628.

(ii) Sanju @ Sanjay Singh Sengar v/s. State of Madhya Pradesh (2002) 5 SCC 371

(iii) Abhinav Mohan Delkar v/s. The State of Maharashtra and

Ors. in Criminal Appeal Nos. 2177-2185 of 2024 dated 18.08.2025, Hon'ble Supreme Court of India.

6. On the other hand, learned APP has supported the impugned order submitting as under.

6.1. By relying upon various statements of relatives and friends, she submitted that the biological father was found to be not in contact from 2005 till June 2014 and since no material was found against him, he has not been chargesheeted.

6.2. That all the friends and relatives of the deceased have consistently stated that the deceased was neglected by the step-family members and he suffered mental harassment.

6.3. That the deceased was major at the time of committing suicide and he has specifically stated names of the Applicants in the suicide note that is found at the spot of suicide of which proper panchnama is drawn. Therefore, the Applicants must face trial.

6.4. That evidentiary value as proof of guilt is not to be considered at discharge stage and arguments of the Applicants are required to be considered in Trial, not at discharge stage.

REASONS WITH CONCLUSION

7. I have considered the rival submissions and perused the record.

8. After going through the record, it appears that the deceased was biological son of one Hemant Solanki and Vaishali Shah. They got married in 1992 and deceased Parth was born in 1995. Due to matrimonial disputes, the biological parents of deceased got divorced in 2005, when deceased Parth was in 5th standard. After divorce, initially

the deceased was kept with his maternal uncle and grandmother at Borivali; however, thereafter deceased Parth was taken by his mother Vaishali with her to family of her second husband – Applicant No.1. However, the arrangement could not be continued and mother Vaishali was required to take adjacent flat for accommodating deceased Parth and she was maintaining him by conducting private tuition classes. In such circumstances, it appears that the deceased was staying alone and has committed suicide. It appears that the deceased was looked after by the new family only for one year and thereafter his mother was required to arrange for a separate accommodation and take care of the deceased by taking private tuition. It is also alleged that Applicant Nos. 2 and 3 were instigating the Applicant No. 1 not to look after the deceased and caused his removal from the house in 2007. Therefore angle of motive to usurp property is also involved.

9. During investigation, the statements of following persons are recorded :

Sr No.	Name	Relation
1.	Devidas Nivrutti Dhole	Informant – Police Sub-Inspector Statement recorded during registration of FIR on 16.07.2014.
2.	Darshan Harendra Chouhan	Friend of deceased. Statement recorded on 09.07.2014 and 21.07.2014.
3.	Shrushti Jitendra Lele	Friend of deceased. Statement recorded on 09.07.2014 and 21.07.2014.
4.	Vaishali Surendra Sancheti	Mother of deceased Statement recorded on 16.07.2014 and on 20.07.2014.
5.	Tanvi Mahendra Kataria	Friend of deceased.

		Statement recorded on 21.07.2014.
6.	Devendra Suresh Desarda	Friend of deceased. Statement recorded on 21.07.2014.
7.	Arya Hitesh Badani	Friend of deceased. Statement recorded on 21.07.2014. She has stated that she is acquainted with deceased handwriting.
8.	Hemant Sureshchandra Solanki	Biological Father of deceased. Statement recorded on 20.08.2014.
9.	Mamta Goguldas Hatkar	Class-teacher of deceased. Statement recorded on 24.09.2014
10.	Dhaval Kirtikumar Shah	Maternal Uncle of deceased. Statement recorded on 08.11.2014.
11.	Pramila Kirtikumar Shah	Maternal Grandmother of deceased. Statement recorded on 08.11.2014.

10. Before proceeding any further, 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 **Union of India Vs. Prafulla Kumar Samal & Anr., (1979) 3 SCC 4** 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 the 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 hold 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 **State of Tamil Nadu by Inspector of Police Vigilance and Anti Corruption Vs. N. Suresh Rajan & Ors. (2014) 11 SCC 709**, 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 that 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.

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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.

15. It is important to bear in mind that this is not a stage where the guilt is required to be proved beyond reasonable doubt and the Court is not considering appeal over conviction or acquittal, where re-appreciation of evidence is expected.

16. Considering the said legal position explained by the Hon'ble Supreme Court, when the statements recorded by Police during investigation are perused, it is clearly emerging that according to the friends and close relatives of the deceased, the Applicant No.1-Step Father of deceased was not accepting the deceased and was not maintaining the deceased and it was at the instigation of his sister Applicant No.3 and her son Applicant No.2. Some of the friends have stated that the deceased had shared with them that the step-father took care of him only for a year and thereafter neglected him. It is stated by many friends that deceased had shared that at the instigation of Applicant Nos. 3 and 2 (Sister and Nephew) with intention of usurping the property, Applicant No. 1 did not permit the deceased to stay with

the family. Statements of a friend of deceased is also recorded who, on being shown xerox copy of the suicide note, has stated that she is acquainted with the handwriting of deceased-Parth.

17. From perusal of the copy of suicide note, it is seen that though the note begins with the narration about discord with teachers, there are clear statements that for his suicide, the Applicants are responsible. Applicants names as responsible persons are stated not once but twice in the suicide note.

18. The submission of the learned counsel for the Applicants that suicide note is dated 14th March without any year mentioned and the suicide has taken place on 06.07.2014 and therefore there cannot be proximate reason and the Applicants alleged act do not have any proximity with the suicide, is an argument which can be considered only at the stage of trial because at the stage of discharge, this Court is not expected to go into pros and cons of evidence. During evidence, proximate cause or events may come to surface. It can not be assumed that there was no proximate cause.

19. The suicide note has be found on the spot which is recorded in spot panchnama. Suicide note contains names of the Applicants as responsible persons, twice. A Statement of person acquainted with the handwriting of the deceased has been recorded. In such circumstances, in my view, enough material exists to hold that the Applicants must face trial. Hence case of discharge is not made out.

20. Learned Sessions Judge, under impugned order, has considered the allegations that Applicants in collusion compelled

deceased-Parth to reside separately and have not taken his responsibility for education and maintenance and that he faced hatred. Learned Sessions Judge has rightly held that, at the stage of framing of charges, the Court is not concerned with the proof but with strong suspicion about guilt. Learned Sessions Judge has also rightly held that the final test of guilty is not to be applied at the stage of framing of charges.

21. So far as the argument that biological father- Mr. Hemant Solanki though mentioned in the FIR, has not been charge-sheeted, is concerned, suffice it to note that non-inclusion of one co-accused cannot automatically become ground for discharging other co-accused.

22. So far as the argument of suicidal tendency is concerned, it is once again important to note that whether suicidal tendency can be taken cognizance of to convict or acquit the Applicants is a matter of trial and cannot be a reason for discharge.

23. It is seen from the statements of friends recorded by the Police that deceased had shared with them that his biological father gave sorrow to his mother who was compelled to marry again, however; his step father also did not accept him, always hated him and the sister and nephew of step-father instigated the step father with a view to usurp property, not to permit deceased to stay with the family.

24. The Judgment of **Madan Mohan Singh (Supra)** is relied upon for contending that necessary ingredients of Section 306 of IPC should be fulfilled before the Applicants are made to face trial. As explained above, neither the Trial Court nor this Court is expected to weigh the evidence on record to prove guilt beyond reasonable doubt. 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. Mini trial is not permitted. Therefore, the said Judgment will not advance the case of the Applicant.

25. The Judgment of **Sanju @ Sanjay Singh Sengar (Supra)** is relied upon to contend that *mens rea* is an important ingredient for the Court to conclude about the case of abetment to suicide. In the present case, it is stated by various friends and relatives of the deceased that the Applicant Nos. 2 and 3 in order to usurp the property, were instigating the Applicant No.1 to neglect the deceased and not maintain him. In view of such allegations, existence or absence of *mens rea* cannot be concluded at this stage of discharge. Therefore, the said Judgment will also not help the Applicants.

26. The Judgment of **Abhinav Mohan Delkar (Supra)** is relied upon to contend that even if the allegations that constant harassment continued over a long period of time, in order to bring ingredients of Section 306 read with 107 of IPC, still there has to be proximate cause for suicide to be direct consequence of such continues harassment. In the case at hand, apart from close relatives and friends of the deceased, his class teacher in Academic Year 2013-14 (when he was studying in first year of B.Com course) has stated that deceased had shared with her that Applicant No.1 step father is not accepting him and he is not bearing any expenses/maintaining him and mother is required to bear his expenses. He had also shared that mother is required to meet him secretly without Applicant No.1's knowledge. In that view of the matter,

whether there was proximate cause for suicide in July 2014 or not will have to be decided at the time of trial and cannot be concluded at the stage of discharge.

27. It is true that many persons whose statements are recorded have clearly stated that deceased was staying alone away from the family for almost 9 years and therefore there is nothing in the statements to indicate that just before the suicide, there was any overt act by any of the Applicants or interaction which can be said to have led to the suicide. However, this aspect of proximity will have to be considered by the Trial Court while conducting the trial on appreciation of evidence.

28. Case for discharge is not made out. There is no reason to interfere in the impugned order. Criminal Revision Application is dismissed.

29. Needless to mention that observations in this order are limited to the purpose of deciding the revision application and the decision shall be taken in trial, in accordance with law, on the merits of the case. All contentions of the Applicants, on merits, are kept open.

(M.M. SATHAYE, J.)