

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

CRIMINAL APPLICATION NO. 534 OF 2015

The State of Maharashtra,
Through Karjat Police Station,
Taluka Karjat, District Ahmednagar
(Crime No. I-135/12)

...Applicant
(Ori. Complainant)

versus

1. Vilas Laxman Kale,
Age: 43 years, R/o Nimgaon Daku,
Taluka Karjat, District Ahmednagar,
2. Savkar Pakalu Bhosale,
Age 26 years, R/o Mahi, Taluka Karjat,
District Ahmednagar.

...Respondents
(Ori. Accused)

.....
Mrs. R.K. Ladda, A.P.P. for Applicant- State
.....

CORAM : A.I.S. CHEEMA, J.

DATED : 16th FEBRUARY, 2015

Order :-

1. Heard learned Additional Public Prosecutor and perused the record.
2. Learned Additional Public Prosecutor submits that deceased Yunus was married to one Sapana. Sapana was daughter of accused No. 1 – Vilas Laxman Kale. After the marriage, which took place on 26-04-2012, within eight days, Sapana left deceased Yunus and went to her parents' house.

According to the case of prosecution, accused Nos. 1 and 2 had stated that they will not allow Sapana to stay with deceased Yunus and that they would get performed her second marriage. Learned Additional Public Prosecutor submits that in between, the accused persons came to the house of Yunus and returned the ornaments which were given by Yunus to Sapana. Complainant – Deepak Kale filed complaint Exhibit 11. On 10-06-2012 information was received that Sapana performed second marriage with one Sudhir Bhosale. Yunus came to know the said fact on 11-06-2012 and feeling bad, he committed suicide by hanging himself.

3. Learned Additional Public Prosecutor submits that the trial court has discussed the evidence and observed that there was dispute between two families and which was earlier settled by performing the marriage of Yunus and Sapana. But after four days of their marriage, Sapana had consumed medicine and she was required to be admitted in the hospital. The trial court observed that the evidence of the prosecution was not disclosing everything. The trial court also observed that no evidence was brought in respect of alleged second marriage of Sapana. It was observed that abetment involves a mental process of instigating a person or intentionally aiding to

commit suicide. Such evidence was not available and accused were acquitted.

4. Going through the evidence available on record, it appears that soon after the marriage of Sapana with Yunus, she had gone to the place of her parents and her parents returned the ornaments to Yunus, which were given by him to Sapana. Even if it is accepted that indeed second marriage of Sapana was performed and the same was not legal, that by itself cannot be termed as abetment to commit suicide. Though learned Additional Public Prosecutor tries to show that it was the cause of the suicide, however, she is not in a position to show that it amounted to abetment.

5. Looking to the case of the prosecution and reasonings recorded by the trial court, it appears that no case is made out to grant leave.

6. There is no substance in the Application. The Criminal Application stands rejected.

(A.I.S. CHEEMA, J.)