

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Revision Application No.306 Of 2001.

Balaji s/o Ganpatrao Kauthkar.

Age : 58 Years, Occ.: Service.

R/o.: Tamsa, Tal. Hadgaon, Dist. Nanded. :: **Applicant.**
[Ori.Complainant]

Versus

(1) Datta s/o Nandiappa Dindulkar.
Age : 25 Years., Occ.: Agriculturist.

(2) Padminibai w/o Datta Didulkar.
Age.: 22 Years., Occ.: Agriculturist.

(3) Khurshid s/o Ismail
Age : 22 Years., Occ.: Painter.

All R/o.: Tamsa, Tal. Hadgaon,
Dist. Nanded.

(4) The State of Maharashtra. :: **Respondents.**

Appearance =>

Mrs. Ashwini Bayas, Advocate a/with Mr. Ananandsingh S. Bayas,
Advocate for the Applicant.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of
Maharashtra.

CORAM : V.M. DESHPANDE, J.

DATE : 9th JANUARY, 2015.

JUDGMENT :-

Present Criminal Revision Application is directed against the acquittal of Respondent Nos. 1 to 3 by the 3rd Ad-hoc Additional Sessions Judge, Nanded, by his Judgment and Order of acquittal dated 28th June, 2001 passed in Sessions Case No.158 Of 1998 whereby the court below has acquitted Respondent Nos. 1 to 3 for the offences punishable under Section 306 read with 34 of the Indian Penal Code.

[2] Mrs. Ashwini Bayas, learned counsel strenuously urged before this court that the court below has committed an error both on facts and law while acquitting Respondent Nos.1 to 3. She submitted that inspite of ample evidence available in the prosecution case, they are erroneously acquitted by the court below. I have heard Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

[3] Charge was framed against Respondent Nos. 1 to 3 in Sessions Case No.198/98 that they abetted deceased Shubhangi to commit suicide and consequently, upon such abetment on 21st November, 1997 she committed suicide in between 12.00 to 2.00 p.m. at village Tamsa, Tal. Hadgaon, Dist. Nanded by hanging herself.

[4] The First Information Report is at Exh.No. 20. It was filed on 21/11/1997. The First Information Report reveals that prior to four months of incident, Respondent No.3 Khurshid enticed deceased Shubhangi on the pretext of marriage. That time, report was lodged against him. After a period of seven days, deceased Shubhangi came to her house however, since Khurshid who left her after he enticed her, she was not leading happy life and was under tension and ,therefore, she committed suicide.

[5] The prospection case is based on the suicide note of Shubhangi. Though the prosecution has proved suicide, the question is whether the respondent Nos. 1 to 3 were responsible for her suicide. Even the suicide note clearly shows that, there is no role of Respondent Nos.1 and 2. According to the prosecution, since Respondent No.3 Khurshid has enticed Shubhangi to run away with him, on the pretext of marriage and thereafter, he left her, resulting in withdrawal of Shubhangi from the worldly affairs. According to P.W. No.3 Balaji Kauthkar, father of deceased, threats were extended to Shubhangi by Khurshid that he will kill son of her brother. However, said was found to be proved omission.

[6] Much insistence was given by the learned counsel during course of argument that in view of the act of Respondent No.3 Khurshid, Shubhangi has lost her interest in the world. It is to be noted that Shubhangi was with Khurshid for seven days and thereafter, she returned to her parents house. There is nothing on record to show that she was compelled to reside for seven days by Khurshid.

[7] The learned trial court has considered the fact that there was no act on the part of the accused person in proximity with commission of the suicide, by which it can be said that they abetted Shubhangi to commit suicide.

[8] I see no reason to take any exception since there is nothing on record to show that after Shubhangi returned to her house, any of the accused were in contact with her or there was any act on their part, which can be attributed to them to reach to the conclusion that they have done anything which could be termed as abetment within the meaning of Section 107 of the Indian Penal Code. Hence, I see no reason to upset the Judgment

of acquittal. Hence, Criminal Revision Application is dismissed.

Criminal Revision Application dismissed.

(V.M. DESHPANDE, J.)