

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

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.188 OF 2013**

**THE STATE OF MAHARASHTRA )...APPLICANT**

**V/s.**

**ANNASO BABU BAGADI AND ANR. )...RESPONDENTS**

Ms.S.S.Kaushik, Advocate for the Applicant – State.

**CORAM : ABHAY M. THIPSAY, J.**

**DATE : 23<sup>rd</sup> FEBRUARY, 2015.**

**P.C. :**

1           The respondents were prosecuted on the allegation of they having committed offences punishable under Section 306 of Indian Penal Code (IPC) read with Section 34 thereof and under Section 506 of IPC read with Section 34 thereof. The learned Additional Sessions Judge, Gadhinglaj, after holding a trial acquitted them. The State of Maharashtra is aggrieved by the said order of acquittal, and is, by the present application, seeking leave to file an appeal therefrom.

2           I have heard Ms.S.S.Kaushik, the learned APP for the State, in support of the application. With her assistance, I have gone through the impugned judgment. I have also glanced through the relevant part of the evidence, that was recorded during trial.

3           The first informant is one Suresh More. His son Rahul, a college going boy, consumed poison and committed suicide on 13<sup>th</sup> October 2010. On 11<sup>th</sup> November 2010, a report came to be lodged by the said Suresh More with the police, alleging commission of the aforesaid offences by the respondents, which report was treated as First Information Report (FIR). The matter was investigated into and on completion of investigation, the respondents were charge-sheeted and prosecuted, which prosecution, as aforesaid, resulted in their acquittal.

4           Respondent no.1 was serving as a teacher in the Junior College, where Rahul was studying. Respondent no.2 was working as a peon in the same college. The allegation against

them, as was leveled during trial, was that, they both used to tease Rahul, and that, they had obtained some writing from Rahul 'about one girl.' That, it is because such writing was forcibly got written from Rahul, that Rahul committed suicide, and that, therefore, the respondents had abetted the commission of suicide by Rahul.

5           Totally eight witnesses were examined during the trial.

6           The learned Judge, after considering the entire evidence adduced before him, came to the following conclusions :

- i) It was not the respondents, who had got a chit written from Rahul, but a writing was obtained from Rahul at the instance of the Principal of the said college. Rahul was found to have left the college and had gone away with a girl student of the college, without informing the college authorities, and when this was revealed, a writing was obtained from Rahul as well as from the girl student, that they would not commit such mistake in future. The learned

Judge had held that, considering the position of the respondents in the institution, they could not have obtained the writing from Rahul or even from the said girl, but that, actually it had been obtained from the Principal of the college.

ii) That, there was no evidence to show that the respondents or any of them, had threatened Rahul.

iii) That, the acts attributed to the respondents did not amount to their having instigated Rahul to commit suicide.

7            These findings, arrived at, by the learned trial Judge, cannot be said to be wrong or erroneous.

8            It may be added that the learned Judge has examined the evidence minutely to come to a conclusion that the writings in question were not forcibly obtained from Rahul and / or from the said girl. However, even assuming that some force or compulsion was used while obtaining such a writing, and even assuming that Rahul committed suicide because such writing was obtained from

him, still, that would not make the respondents guilty of abetting the suicide committed by Rahul. It is nobody's case that the applicant wanted or could foresee that Rahul would commit suicide.

9           It may also be added that no suicide note was left by Rahul. Therefore, what exactly led to his committing suicide was not clear.

10          The order of acquittal recorded by the learned Additional Sessions Judge is proper and legal. There is absolutely no merit in the application.

11          Leave refused.

12          The application is rejected.

**(ABHAY M. THIPSAY, J.)**