

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

CRI. REVISION APPLICATION NO. 349 OF 2002

Vishwanath Raghvendra Shetty ... Petitioner.

V/s.

State of Maharashtra ... Respondent.

Mr. Sudeep R. Pasbola a/with Mr. Bhavesh Thakur i/by Mr. Rahul Arote, for the Applicant / Petitioner.

Mr. V. B. Konde-Deshmukh, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 02nd JULY, 2015

P.C. :

1 Heard learned counsel Mr. Pasbola, appearing for applicant / petitioner and learned additional public prosecutor Mr. Konde-Deshmukh for the State.

2 The applicant has been prosecuted for the offence punishable under section 306 of Indian Penal Code for having abetted the suicide committed by one Kum. Snehlata, aged about 22 years. Deceased Snehlata was staying at Kandivali. The applicant was her neighbour. The deceased was attending her jobs in one of the companies. She developed friendship and thereafter love affair with the applicant. It appears that she committed suicide because the applicant allegedly refused

to marry her. Whole case is based on two dying declarations : one recorded by the police and second recorded by the Executive Magistrate. The dying declarations are consistent. However, what is required to be examined is whether dying declarations disclosed that the applicant had in any manner abetted commission of the suicide.

3 In the first place, there is no material except the statement of the deceased that the applicant had refused to marry. Let us assume, that the dying declaration is accepted as true and correct, the question which remains to be examined is as to whether there was any intention on the part of the applicant. The learned trial court could have examined whether there was an ill intention or illegal action on the part of the applicant which resulted in suicide of the deceased. I do not find anything of the nature in the whole record.

4 In these circumstances, there are no ingredients of the offence punishable under section 306 of the Indian Penal Code. No charge could have been framed against the applicant.

5 The Criminal Revision Application is allowed.

6 The order passed by the learned Ad-hoc Additional Sessions Judge, Thane below Exh. 4 in Sessions Case No. 911

of 1998 is set aside. The applicant is discharged of the said offence. Bail bond, if any, shall stand cancelled.

7 Criminal revision application stands disposed of accordingly.

(JUDGE)

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