

Kelvin Jothong Seow	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

CORAM : A. V. NIRGUDE, J.

DATE : 8th DECEMBER, 2015.

P.C. :

1. This Revision challenges order dated 08.04.2015 passed by the learned Additional Sessions Judge, Gr. Mumbai, rejecting the applicant's application seeking discharge from Sessions case No.816 of 2013. The applicant is accused No.2 in this case.

2. The applicant and other accused are chargesheeted for committing offence punishable under Section 306 r/w. 34 of I.P.C. One Vijay committed suicide on 13.01.2013. He left a suicide note in which he simply stated that he suffered stress because of applicant-accused. He did not give details about the

reasons for stress, depression and ultimate suicide. It appears on record that Vijay had gone to Delhi for driver's job. He was driving car belonging to the applicant. Vijay sought leave and during his absence the other accused, who is accused No.1 Munesh took up his work as driver of the applicant. Vijay abruptly left his job and came to Mumbai in November 2012. After he came back, he told his father that the weather in Delhi did not suit him. The other witnesses, who are friends of Vijay, stated to police that after Vijay came back from Delhi, he was tense and disturbed. Vijay told them that he had been receiving phone calls from accused including the applicant. On 13.01.2013, in the evening, Vijay disclosed to one of his friends that he was tense because the applicant had sexual relations with his other friend Munesh. It has also come on record that Munesh had visited Mumbai and had met Vijay and his two friends on 13.01.2013. In presence of these two witnesses, victim Vijay tried to blame Munesh saying that because of him he had lost his job in Delhi. The witnesses further stated that there was altercation between these two persons and Munesh ultimately left saying that Vijay could do whatever he wanted, etc. Thereafter, Vijay committed suicide during the night between the 13th and 14th January 2013. There appears no clear reason for Vijay's suicide. No overt act is attributed to the applicant on 13.01.2013 or a few days before the date of commission of suicide. It is not even alleged that applicant had sexual relations with Vijay and that there arose complications

between them due to which Vijay got depressed, etc. It is clear from the record that immediate cause for the dreadful act of suicide was the meeting with accused Munesh. But even the meeting between these two was witnessed by two witnesses who disclosed that there was only a small altercation. In my view, the facts mentioned above would not warrant filing of complaint against the applicant on allegation that he abated Vijay's suicide.

3. The Application is allowed. The applicant stands discharged.

(A.V. NIRGUDE, J.)

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