

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

CRIMINAL APPLICATION NO.391 OF 2016

Siddheshwar S/o. Kisanrao Katkade **..Applicant**

VERSUS

Sumedha Narayan Mundhe,
and others **..Respondents**

Mr.Shivprasad G. Jadhavar, Advocate for the applicants
Mr.R.B.Bagul, APP for the respondent/ State
Mr. Govind Kulkarni, Advocate for respondent No.1

**CORAM : A.V.NIRGUDE &
V.K. JADHAV, JJ.
DATED : 30.06.2016**

P.C. :-

1. Heard learned counsel for the parties. The applicant Nos. 1 to 10 are accused in Crime No.231/2015 registered with the Kotwali Police Station, Parbhani Tq. & Dist. Parbhani for the offence punishable under Section 306 r/w 120-B of the Indian Penal Code. It is alleged that all of applicants and other few accused conspired and abated suicide of one Narayan. Some of the applicants are members of School Committee and some of them are members of Grampanchayat. On the other hand Narayan was working as Head-Master of Primary school. Several allegations were made against Narayan and the applicants issued threats to him that they would take action against

him. Narayan was elderly man having wife and children. He had his own house built at Gangakhed. Narayan committed suicide on 18th to 20th October, 2015 leaving behind a suicide note in which he had narrated that the applicants and others harassed him. So much so that he had been left with no alternative but to commit suicide.

2. During investigation the police also found that on 5th September, 2015 Narayan had fight with his colleague at the school. It was also found that Narayan was assaulted by some of his colleagues. The question is whether the applicants apparently abetted Narayan's suicide. The answer is in negative.

3. In order to constitute offence of abetement of suicide, there should be allegations that accused acted in such a manner that he prompted eminent act of suicide. The accused must know that the victim is likely to commit suicide and accused should facilitate such suicide by certain physical act or abstention. Mere allegations of harassment would not constitute abetement. In this case the facts do not indicate that the case should continue against the applicants.

(3)

criapln391.16

14. In view of this the criminal application is allowed in terms and prayer clause (B) and disposed of.

[V.K. JADHAV, J.]

[A.V.NIRGUDE, J.]

VishalK/criapln391.16