

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1274 OF 2015

**(Santosh @ Baban s/o Gopinath @ Gopal Bhandare Vs. The
State of Maharashtra and others)**

Mr. S.V. Munde, Advocate for the applicant
Mr. N.T. Bhagat, A.P.P. for the respondent-State
Mr. Joydeep Chatterji, Advocate for respondent No. 2
Mr. S.G. Chapalgaonkar, Advocate for respondent No. 3

CORAM : M.T. JOSHI, J.

DATE : 11/02/2016

ORAL ORDER :

1. Heard both sides.
2. Aggrieved by the acquittal of respondents No. 2 and 3 from the offence punishable under section 306 read with section 34 of the Indian Penal Code, by the learned Additional Sessions Judge, Beed, vide order dated 5th February, 2015, passed in Sessions Case No. 104/2013, the original complainant wants to prefer an appeal and hence, the present application for grant of leave to prefer an appeal is filed.
3. The father of the complainant, namely, Gopinath Bhandare had apparently committed suicide on 16th

September, 2012. His dying declaration pressed during the trial would show that since the electricity bill issued by the M.S.E.B. was unreasonably excessive, he had applied twice to the concerned authorities. However, the bill was not reduced. The deceased being from a poor class was unable to pay the billed amount. In the circumstances, as the employee of the M.S.E.B. had reached to his house for disconnection of the electricity supply to his house, he poured kerosene on his person and set himself on fire.

4. During investigation, the statement of the son of the deceased i.e. the present complainant was also recorded. As per the complainant, once the earlier defective meter was replaced by the authorities. Thereafter, however, again excess billing of the electricity in the amount of Rs. 30,227/- was there. He himself visited the officials of the M.S.E.B. They had, however, referred him to another authority and lastly, the action for disconnection of the electricity supply was initiated. His father, however, was in tension and ultimately, committed suicide.

5. Learned counsel for the applicant relied on the ratio laid down in the case of "Praveen Pradhan Vs. State of Uttaranchal and another", reported in 2013 (1) Mh.L.J. (Cri.) 402 wherein inter alia the Supreme Court of India observed that no straitjacket formula can be laid down to find out as to whether in a particular case there has been instigation to commit suicide.

6. In the present case, taking all the facts into consideration, in my view, it cannot be called that the present respondents No. 2 and 3 intended to abet commission of suicide. It is to be noted that while the complainant was withstanding with all the adverse situation by visiting authorities, his father, however, could not bear the tension and committed suicide. In that view of the matter, the reasoning of the learned Sessions Judge in acquitting the respondents No.2 and 3 cannot be faulted with. The present application is, therefore, dismissed.

[M.T. JOSHI]
JUDGE