

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 4236 OF 2015

THE STATE OF MAHARASHTRA
VERSUS
VITTHAL S/O ABA KARPE AND ANOTHER

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APP for Applicant : Mr. M. M. Nerlikar.

Advocate for Respondents : Mr. H. F. Pawar, h/f Mr. S. S. Sakhare.

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CORAM : **A. V. NIRGUDE &
INDIRA K. JAIN, JJ.**

DATE : 09th March, 2016.

P.C.:

. Heard.

2 Perused judgment.

3 Respondents / Accused were convicted of offence punishable under Section 305 read with 34 of the Indian Penal Code and also under Section 3(2)(va) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4 A minor girl committed suicide. It is alleged that the Respondents threatened her father that they should withdrawn the previous case, which was a case of rape in which, the minor girl was the victim. In that case, it was alleged that Respondent No.2 had

sexual intercourse with the minor girl and thereby committed offence punishable under Section 376 etc. of the Indian Penal Code. Upon hearing the threats issued by the Respondents, the minor girl felt depressed and committed suicide. The prosecution alleged that the Respondents issued threats and abetted such suicide.

5 The learned Judge considered the circumstances and held that no offence of abetment would be proved from the facts of the case. What happened between the victim's father and Respondent No.1 was an independent act. When the minor girl heard about it, she felt depressed. She admittedly, was not present when the threats were issued. There was no direct contact of the Respondents with the victim. Therefore, there could not have been conviction of the Respondents in this case. No leave to file appeal can be granted.

6 Hence, the criminal application stands dismissed.

[INDIRA K. JAIN, J.]

[A. V. NIRGUDE, J.]

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