

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CRI.APPLN.NO.146 of 2016

5 CRIMINAL APPLICATION NO. 146 OF 2016

THE STATE OF MAHARASHTRA
VERSUS
SHIVAJI SUPADU BEDSE AND ORS

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APP for Applicant : Mr. R.B.Bagul
Advocate for Respondent State: Mr. S.P.Tiwari
Mr. C.C.Deshpande, Adv., h/f Mr. C.R.Deshpande, Adv., for
respondent nos. 1 to 5.

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CORAM : P.R. BORA, J.
Dated: September 25, 2017

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PER COURT :-

1. The State has filed the present application seeking leave to appeal against the judgment passed by the Court of Additional Sessions Judge, Dhule, in Special Case No.49/2008 on 1st of August, 2015.

2. Respondent nos. 1 to 5 (hereinafter referred to as 'the accused') were prosecuted for the offense punishable under Section 306 read with Section 34 of IPC. It was the case of the prosecution that the deceased, who was serving as a Talathi, committed suicide by taking poisonous substance, and left behind a chit stating the reason for committing suicide wherein the blame was attributed on the part of the accused persons.

3. It was the case of the prosecution that the accused had preferred a writ petition before this Court seeking a relief that the

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mutation entry made by deceased Talathi in respect of one sale instance was illegally made and that the said sale deed was Bogus. According to the case of the prosecution, the concerned mutation entry was made by the deceased Talathi. It is the further case of the prosecution that the deceased Talathi was persuading the accused persons to withdraw the writ petition apprehending that he may come in trouble if the writ petition is allowed. It is the further case of the prosecution that the accused were demanding an amount of Rs.10,00,000/- (Rs. ten lakhs) from the Talathi for withdrawing the writ petition filed by them in the High Court and were harassing him on that count.

4. As pointed out by the learned A.P.P., the same reason is shown in the chit recovered from the person of the deceased immediately after his death. It was the contention of the learned A.P.P. that all these aspects are ignored by the learned Sessions Court and that has resulted in passing the order of acquittal in the matter. The learned A.P.P. submitted that from the evidence on record the prosecution has sufficiently proved that the commission of the suicide by deceased Talathi was the direct result of the harassment caused to him by the accused persons.

5. The submissions made by the learned A.P.P. are resisted by the learned Counsel appearing for the respondents. According to the learned Counsel, the Special Court has rightly acquitted the respondents and has recorded a right conclusion that

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no case was made out for holding the accused guilty for the offense punishable under Section 306 read with Section 34 of IPC.

6. I have carefully perused the impugned judgment. It does not appear to me that the learned Special Court has committed any error in acquitting the accused. The prosecution case, even if is accepted as it is, ingredients of Section 306 of IPC are not at all attracted so as to hold the accused persons guilty for the offense. If somebody commits suicide, because of his failure to comply with the demand made by the accused, which is admittedly for some work which could have favoured the deceased, even if the harassment is held to have been proved, it cannot be accepted that it was the intention of the accused that, the deceased should commit suicide.

7. The learned Special Court has rightly observed that the prosecution has failed in proving the offense alleged against the accused. It does not appear to me that any interference is required in the impugned judgment and no case is made out by the appellant State so as to grant leave to appeal against the said judgment. Hence, the following order:

ORDER

1. The Criminal Application (No.146/2016) is rejected.

(P.R. BORA, J.)

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agp/-