

Vidya Amin.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION No. 618 OF 2018

Ajit Balkrishna Raorane	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Pradeep J. Thorat, Advocate for the applicant.
Ms. Pallavi N. Dabolkar, APP for respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 28th November, 2018**

P.C. :

This Criminal Revision Application is directed against the order dated 17th October, 2018 passed by the learned Additional Sessions Judge, Vasai below Exhibit 13 in Sessions Case No. 52 of 2017 thereby rejecting the Application for discharge filed by the applicant/accused.

2. The applicant/accused is prosecuted for the offences punishable under section 306 r/w. 34 of the Indian Penal Code in Sessions Case No. 52 of 2017.

3. The case of the prosecution, in brief, is as follows:

On 21st February, 2007 the deceased lady, on receiving phone call from the applicant/accused that co-accused Pravin

Gharat was going to be released on bail and no complaints thereafter be made against Pravin Gharat, otherwise the life of her son would be in danger, she set her on fire. She died after one month, i.e., 29th March, 2007. Her son Paras approached the police and gave information on 30th March, 2007 against co-accused Pravin Gharat. Thereafter on 31st March, 2007, he gave supplementary statement wherein he has stated about the phone call given by the present applicant to his mother and what his mother has informed him as a cause of her suicide. The offence was registered at C.R. No. 65 of 2008 with the Virar Police Station against the applicant/accused. The applicant/accused moved the Application for discharge before the learned Sessions Judge. The said Application was rejected by the order dated 17th October, 2018. Hence, this Application.

4. The learned counsel for the applicant has submitted that the learned Judge has erroneously recorded that the statement of the deceased was recorded. He submitted that the FIR was lodged one year after the actual incident. He further submitted that on 21st March, 2008 FIR was given and on 3rd June, 2009 the complainant withdrew his allegations against the applicant/accused. The

learned counsel submitted that there is no evidence on record against the applicant that he threatened the deceased to commit suicide.

5. Learned APP opposed the Application and supported the order passed by the learned Sessions Judge.

6. Perused the record placed before me. There is inordinate unexplainable delay of one year for lodging FIR. In order to attract Section 306 of Indian Penal Code, the Court has to see whether the evidence in respect of ingredients of abatement as contemplated under section 107 is placed on record or not. After going through the record, no such evidence of either abatement or instigation is found against the applicant. Hence, the order passed by the learned Sessions Judge is hereby set aside and the Application for discharge is allowed. The applicant is discharged from the charges under section 306 r/w. section 34 of Indian Penal Code.

7. Criminal Revision Application is allowed and is disposed of accordingly.

(MRIDULA BHATKAR, J.)