

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.115 OF 2018

(Vishal s/o Subhash Shriwas Vs. State of Maharashtra thr. PSO PS Vasant Nagar,
Yavatmal)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri R.R. Vyas, Advocate for Applicant.
Shri C.A. Lokhande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 11th JUNE, 2018.

The applicant is apprehending arrest in Crime 17/2018 registered at Police Station Vasant Nagar, Yavatmal for offence punishable under section 306, 498-A read with section 34 of the Indian Penal Code.

I have perused the case diary and in particular the alleged suicide note left behind by the deceased-that is the wife of the applicant and the diary purportedly maintained by the deceased.

Prima facie, there is absolutely nothing in the suicide note to suggest that the applicant subjected the deceased to cruelty within the meaning of explanation (a) or (b) of section 498-A of the IPC. The perusal of the diary also reveals that the grievance appears to be, at least *prima facie*, due to the normal wear and tear and failure of the spouse to come up to the expectation and fulfill the aspiration of the other spouse. At any rate, at least *prima*

facie it does not appear that the applicant instigated the deceased to commit suicide or that there was an element of *mens rea* in the alleged misconduct of the applicant.

In this view of the matter, the application is allowed and the interim order dated 24.02.2018 is confirmed. The applicant shall abide by the conditions impugned in the interim order, till the filing of the charge-sheet.

The application is disposed of accordingly.

JUDGE