

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

CRIMINAL APPLICATION (ABA) NO. 825/2018

Gopal @ Sanket s/o Ramakant Parsutkar V/s State of Maharashtra, Thr. P.S.O., P.S.
Gadchandur, Tah. Korpana, Dist. Chandrapur.

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

Court's or Judge's orders

Shri Sumedh Kadam, counsel h/f for Shri R.R. Vyas, counsel for the
applicant.

Shri H.D. Dhumale, APP for the non-applicant.

CORAM : M.G. GIRATKAR, J

DATE : 13.12.2018.

Heard Shri Sumedh Kadam, holding counsel for Shri
R.R. Vyas, learned counsel for the applicant.

The learned counsel for the applicant has
submitted that the allegation in the F.I.R. is not sufficient
to constitute the offence punishable under Section 305 of
Indian Penal Code. He has pointed out the decision in the
case of *Ramesh Kumar v/s State of Chhattisgarh*,
reported in (2001) 9 SCC 618 and submitted that the
word utter is not sufficient to abate to commit suicide.

From perusal of the report, it appears that the
applicant and deceased were having love affairs. They
were of same caste and residing in the said village. The
applicant promise to marry her, when the applicant
refused to marry, she was frustrated and commit to
suicide. What is instigation, as defined under Section 107
is to be decided after the trial. It defers from man to

man persons to person it is mental condition. Some words may affect the mental condition. At this stage the dying declaration of the deceased show that the applicant refuses to marry and therefore she has committed suicide. The investigation is in progress. At that this stage, he is not entitled for protection under Section 438 of the Criminal Procedure Code.

Hence, the following order.

ORDER

The criminal application is rejected.

JUDGE

rkn