

Vidya Amin.

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

CRIMINAL REVISION APPLICATION NO. 641 OF 2018

Aruna Tatyaram Tangade	...	Applicant
VS.		
The State of Maharashtra	...	Respondent

Mr. Tejas Hilage, Advocate for the applicant.
Mrs. Veera Shinde, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 13th March, 2019**

P.C. :

This Criminal Revision Application is directed against the order dated 26th October, 2018 passed by the learned Assistant Sessions Judge, Pune below Exhibit 48 in Sessions Case No. 848 of 2016 thereby rejecting the Application filed by the applicant/accused for discharge under section 227 of Code of Criminal Procedure. The applicant/accused is facing prosecution under section 306 r/w. Section 34 of Indian Penal Code in C.R. No. 83 of 2013 registered with Lonikand Police Station.

2. The applicant/accused is a social worker. Deceased Pramod Salve was married to accused no. 1-Rajkanya on 9th November, 2018. However, they did not sail smooth and there was

continuous quarrels between the husband and wife on various grounds. As per the case of the prosecution, deceased Pramod was harassed by his wife and relatives of the wife, who are accused nos. 1, 2, 3 and 4. There was quarrel between the husband and wife on 5th May, 2013 and thereafter on 6th May, 2013. Accused nos. 1,2, 3 and 4 along with present applicant/accused, who is accused no. 5, went to Lonikand Police Station and gave complaint against Pramod Salve and his parents. At that time, Pramod Salve requested his wife not to take any criminal action against his parents. The wife did not listen to him, as she was instigated to file police complaint by the present applicant/accused and other accused. Thereafter on 11th May, 2013, Pramod hanged himself at his residence. After examination of his body, a suicide note was found. In the suicide note, he has blamed his wife, his in-laws and maternal in-laws, who are accused nos. 1, 2, 3 and 4 and held them responsible for his suicidal death. The father of deceased Pramod gave statement on 13th May, 2013 pursuant to which the offence was registered against accused nos. 1,2, 3 and 4 and also the present applicant/accused no. 5. The Application for discharge under section 227 of Cr. P.C. was moved which was rejected by the

learned Sessions Court. Hence, this Revision Application.

3. The learned counsel for the applicant/accused has submitted that in the suicide note, deceased Pramod has not mentioned the name of the applicant/accused. Similarly, no role is attributed to the applicant in the suicide note. He submitted that the applicant/accused was only present in the police station and being a social worker, she has supported accused no. 1/wife for lodging complaint against Pramod/husband and his family members. The applicant has not played any role of either abetting, aiding and instigating the deceased Pramod to commit suicide. Hence, the order passed by the Assistant Sessions Judge, Pune is to be quashed and set aside and the applicant/accused be discharged.

4. The learned APP justified the order 26th October, 2018 passed by the learned Assistant Sessions Judge, Pune.

5. Read the statement of the father of deceased and other material placed before the Court. Perused the impugned order passed by the learned Assistant Sessions Judge. Admittedly, in the suicide note, the name of applicant/accused no. 5 is not

mentioned. Whatever role is attributed by the father of deceased in his statement is only of supporting the accused no. 1/wife of deceased in giving the complaint against deceased husband and his family members. The applicant/accused is a social worker and therefore, she tried to help the wife in approaching the police station. This cannot be considered as an act of abetment, aid or instigating, as contemplated under section 107 of Indian Penal Code to constitute an offence under section 306 of Indian Penal Code. There is no material to frame charge against the applicant/accused under section 306 r/w. Section 34 of Indian Penal Code. The reasoning given by the learned Sessions Judge while rejecting the Application is incorrect and illegal. Hence, the order dated 26th October, 2018 passed by the learned Assistant Sessions Judge, Pune is quashed and set aside. The Application for discharge for the applicant/accused from the offence under Section 306 r/w. 34 of the Indian Penal Code is allowed.

6. Criminal Revision Application is allowed.

(MRIDULA BHATKAR, J.)