

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

CRIMINAL APPLICATION (ABA) NO.878/2022

Ranjit Dharamsingh Rathod & Ors. .Vs. State of Maharashtra through its PSO
P.S. Digras, Tq. Digras, Dist. Yavatmal.

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

Court's or Judge's orders

Mr. R. B. Jadhav, Advocate for applicants.
Mr. I. Damle, A.P.P. for non applicant no.1-State.
Mr. V. N. Patre, Advocate for non applicant no.2.

CORAM : ANIL L. PANSARE, J.

DATE : JANUARY 18, 2023.

Heard.

2. The applicants are apprehending arrest in Crime No.672/2022, registered with Police Station, Digras, for an offence punishable under Section 306 read with section 34 of the Indian Penal code.

3. Submission of the learned counsel for the applicants is that the allegations against the applicants are general in nature. This, however, appears to be contrary to the contents of the First Information Report. The FIR has been lodged by father of the deceased. The victim has committed suicide by consuming poison on 27.01.2022. He expired on 01.02.2022. The allegation against applicants are that while the victim was pouring water on the construction site, the applicant Shardabai asked him for water. The victim denied it on the ground that he requires water for construction work. At that

time, Shardabai quarreled with the victim. Another applicant Dharamsingh threatened him of life and also of lodging false report through Shardabai of outraging modesty and rape against him. The victim came back home, frightened due to the said threats. The applicants, however, again came to the informant. They abused the victim, his brother and also mother and had altercations with them. The applicants at that time also threatened to lodge false report of outraging the modesty. The victim, being unable to sustain the threat, consumed poison and ultimately expired.

3. Despite this material on record, the learned counsel for the applicants commenced his argument by stating that the allegations are vague. He now submits that that nothing is to be recovered from the applicants, there is no suicide note and that therefore the relief should be granted. He further submits that there is enormous delay in lodging the FIR.

4. Learned A.P.P. and learned counsel for the victim have invited my attention to the report dated 13.02.2022 lodged by the informant with Police Station, mentioning therein that his son has committed suicide at the instance of the applicants. Police did not take cognizance and therefore the informant was required to file an application under Section 156(3) of the Code of Criminal Procedure. It was only when the learned Judicial Magistrate First Class issued directions, the FIR came to be registered on 03.09.2022. Thus, there is no delay and benefit as sought by the applicant

cannot be given to the applicants in view of the fact that the informant had approached the Police Station well in time.

5. The facts in this case are such that the applicants can be said to have knowledge (if not the intention) that their threats to the victim of implicating him in the false case of outraging the modesty of a woman may push him to commit suicide.

6. Considering the nature of allegations and the evidence placed before the Court and considering the fact that the innocent young boy of 22 years was made to suffer for no fault of his, it will not be appropriate to grant relief to the applicant.

7. The observations made in this order are prima facie in nature and are made for deciding the present application only. The learned Judge, who is seisin of the of the trial, shall not get influenced with the above observations.

The application is accordingly rejected.

(Anil L. Pansare, J.)

kahale