



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR LEAVE TO APPEAL BY STATE NO. 72 OF 2019

The State of Maharashtra
Through :
Police Station Officer, Dharur,
District Beed.

... Applicant

Versus

1. Ravindra Uttam Sirsat,
Age : 37 years,
2. Uttam Baburao Sirsat,
Age 70 years,
3. Kusumbai Uttam Sirsat,
Age : 65 years,
All R/o. Tandalwadi Road,
Tq. Dharur, Dist. Beed.

... Respondents
[Orig. Accused]

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Mrs. Chaitali Choudhari Kutti, APP for Applicant-State.
Mr. K. R. Yadav, h/f Mr. Sudarshan J. Salunke, Advocate for
Respondent Nos. 1 to 3.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 19.03.2024

ORDER :

1. State is intending to challenge the judgment and order dated
07.04.2018 passed by learned Additional Sessions Judge, Majalgaon

in Sessions Case No. 19 of 2015, to the extent of acquittal of present respondents from charge under Section 306 of the Indian Penal Code [IPC].

2. Learned APP pointed out that after marriage, deceased Rohini came to reside with her husband and in-laws. Barely after six months of marriage, she was ill-treated on account of demand of Rs.50,000/- for digging bore-well. Due to non fulfillment of demand, ill-treatment was intensified and therefore, she committed suicide by consuming poison and she succumbed to the same. According to learned APP, death has taken place while in custody of accused husband and in-laws. Prosecution had adduced evidence of in all 8 witnesses. Independent neighbour was also examined. But still learned trial Judge has convicted accused persons only for offence under Section 498-A IPC and acquitted them from charge under Section 306 IPC. According to learned APP, there is clear abetment to commit suicide. Accused had made life of victim miserable and only because of cruelty at their hands, suicide was committed. There is good case on merits and hence, she seeks leave.

3. Per contra, learned counsel for the accused would submit that prosecution has miserably failed to establish essential ingredients for

attracting Section 306 IPC. Evidence of prosecution being patently weak, learned trial court, on complete appreciation, has acquitted accused from said charge. Therefore, learned counsel prays to refuse leave.

4. After considering submissions of both sides and on going through the papers, it seems that husband and in-laws were chargesheeted for commission of offence under Sections 498-A and 306 r/w 34 of IPC. Allegations were that after six months of marriage, deceased was ill-treated on account of demand of Rs.50,000/- for digging bore well. However, though informant father, mother and uncle are examined, they seem to be admitting in cross that accused persons were already having irrigated land comprising of bore well in the field. Alleged consumption was on 01.12.2015. What preceded alleged consumption has not come on record. For attracting Section 306 IPC, prosecution has to establish abetment to commit suicide. *Ex facie* evidence to that regard having not come on record, learned trial court seems to have acquitted accused from charge under Section 306 IPC.

Therefore, admittedly when there is nothing to show that there was abetment, conviction has not been recorded. Essential ingredients

for attracting Section 306 IPC not being available, judgment and order of acquittal to that extent cannot be faulted. No good ground made out to grant leave. Hence, I proceed to pass the following order:

ORDER

The application is rejected.

[ABHAY S. WAGHWASE, J.]

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