



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 1040 OF 2023

ROSHANA W/O HEMANT JAIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. Rakesh N. Jain And Mr. Suresh P. Salgar, Advocates for Appellant
Mr. R.B. Dhaware, APP for Respondent No.1/State
Ms. Devika Patil, Advocate h/f Mr. N.L. Chaudhari, Advocate for
Respondent Nos.2, 3 And 5
Mr. Sushil P. Pandit, Advocate for Respondent No.4
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 23rd SEPTEMBER, 2024

PER COURT :

1. This appeal filed under Section 372 of Cr.P.C. challenges the judgment and order of acquittal dated 26/07/2023, passed by learned Sessions Judge, Nandurbar, in Sessions Case No.15/2022.

2. Prosecution case in short is that, during the intervening night of 19/05/2020 and 20/05/2020, Dipesh Hemant Jain committed suicide by hanging, due to harassment on the part of accused Nos.1 to 4 in connection with recovery of amount borrowed by Dipesh from accused No.1. He left behind suicide note. On the information given by mother of deceased, FIR was registered at C.R. No.319 /2020 against four accused persons for offence punishable under Sections 306, 504, 506 read with 34 of the Indian Penal Code. On completion of investigation, charge-sheet was filed and accused were charged for offence punishable under Sections 306, 504, 506,

read with 34 of I.P.C. In support of it's case prosecution has examined five witnesses and has also relied upon the suicide note written by the deceased. Trial Court after recording evidence and hearing the parties has acquitted accused persons. Hence, the present appeal.

3. Heard learned advocate for appellant, learned APP for State, learned advocate for respondent Nos.2, 3 and 5 and learned advocate for respondent No.4. Perused the appeal memo, impugned judgment and order and the notes of evidence made available by learned advocate for appellant.

4. It is a matter of record that prosecution has placed heavy reliance on the suicide note at Exhibit-29, wherein the deceased has mentioned that accused persons are responsible for his suicide. Accused were threatening to kill him for non-payment of loan obtained by him and were abusing him. The entire blame goes to accused persons and his family has no concern with the suicide.

5. It is settled law that prosecution has to prove ingredients under Section 107 of I.P.C. to prove the abetment of suicide. Record shows that prosecution has failed to prove the ingredients under Section 107 of I.P.C. No material is there to show that there was any instigation, abetment or threat on the part of accused persons abetting the suicide committed by deceased.

6. Trial Court has properly appreciated the evidence and by well reasoned order has acquitted the accused persons. View taken by the trial Court is the only view which can be taken in the facts of the present case. No case is made out by appellant to interfere in the impugned judgment and order of acquittal. Appeal being devoid of merit is dismissed.

(NITIN B. SURYAWANSHI, J.)