



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

**937 CRIMINAL APPLICATION NO. 2155 OF 2025
IN CRIMINAL APPEAL NO.160/2025**

**VIKAS @ KALYAN GOVINDRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr.S.J.Salunke
APP for Respondent-State : Mr.G.O.Wattamwar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 23.07.2025

P.C. :

1] The present application is filed by the applicant for suspension of substantive sentence imposed on the applicant in Special [POCSO] Case No.21/2020, by order dated 03.02.2025, by learned Additional Sessions & Special Judge, Udgir. The applicant has been convicted thus:

The applicant is convicted for the offence punishable under Section 306 of the IPC and sentenced to suffer R.I. for 10 years and to pay fine of Rs.5,000/- IDRI for six months.

The applicant is also convicted for the offence

punishable under Section 506 of the IPC and sentenced to suffer R.I. for 7 years.

Both the sentences shall run consecutively.

2] The learned counsel for the applicant submits that the applicant is in custody from 6 months. He further submits that at the time of offence, the age of the victim was 16 years and the age of the applicant was 37 years. The case against the present applicant is that the applicant and victim are resident of the same village. It is stated that the victim was unmarried and the applicant is married. It is further stated that when the informant came to know about the same, he himself and his maternal uncle called the applicant and gave understanding to the applicant that he should not keep relation with the victim and thereafter the applicant assured that nothing will happen further. It is stated that thereafter on next day, the informant and his wife went to the field and at about 4.30 to 5.00 p.m., the applicant came to their field and asked the informant as to why he is defaming the applicant. Thereafter, the applicant had been to the house of the victim and threatened to kill the victim or her brother or at least one member of her family. Thereafter, the victim committed suicide. As such, the FIR is registered for the offence punishable under Section 306 and 506 of the IPC against the present applicant. The learned counsel for the applicant submits

that in the evidence of PW-1, PW-8 and PW-9, they have stated that the applicant had physical relations with the victim and they have given understanding to the applicant that the applicant should not keep relation with victim. Thereafter, the applicant had been to the victim and threatened her that he may harm her or her brother and that she should not keep relations with him. The learned counsel for the applicant submits that the applicant is not responsible for suicide of the victim as the applicant had tried to stay away from the victim although from the evidence it appears that at prior point the applicant had consensual relations with the victim. Considering the said fact, the offence under Section 306 and 506 of the IPC would not attract against the present applicant.

3] *Per contra*, the learned APP has taken me through observations made by the Sessions Court in para no.42 of the judgment, as noted below :

42. Accused, being married man, having age of 37 years, established physical relation with the victim 'R', who was unmarried and having tender age; threatened victim to kill her or her brother or her father, as such second part of Section 506, is to be invoked, for which the punishment is provided up to seven years. By threatening to kill victim 'R' or her brother or her father, on the count that they were spreading his relation with victim 'R' to the villagers, accused abetted victim 'R' to commit suicide and he left no option to her rather than to commit suicide,

and to end her own life so as to save life of her brother and father. Thus, considering the role of accused attributed in the commission of offences under Section 506 and 306 of I.P.C., it is just to sentence the accused to undergo rigorous imprisonment of seven years for commission of offence punishable under Section 506 of I.P.C. and to sentence with rigorous imprisonment of ten years and fine of Rs.5,000/- for commission of offence under Section 306 of L.P.C. with direction to undergo both the punishment consecutively..

The learned APP submits that considering the above observations, the sentence awarded by the Sessions Court should not be suspended.

4] It appears from the record that on account of understanding given by the family members of the victim, the applicant had tried to stay away from the victim. The applicant had given threat to the victim that she should stay away from him. Due to possible unbearing of the situation, the victim though committed suicide. *Prima facie*, the possibility of pressure of the family member on victim and applicant to avoid relations cannot be ruled out as the reason for suicide. As such, *prima facie* the applicant alone cannot be held responsible for suicide of the victim. In any event, the case may not fall within the parameters of abatement of suicide by the applicant. The applicant is in jail from 6 months. The appeal may take considerable time to hear. Considering the said fact, I pass the following order:

ORDER

- i] Criminal Application is allowed.
- ii] The substantive sentence imposed on the applicant in Special [POCSO] Case No.21/2020, by order dated 03.02.2025, by learned Additional Sessions & Special Judge, Udgir, stands suspended till the final hearing and disposal of Criminal Appeal.
- iii] The applicant be released on bail on furnishing P.R.bond of Rs.20,000/-, with two sureties in the like amount. Bail before the trial Court.
- iv] Criminal Application is disposed of accordingly.
- v] It is also clarified that the observations made in this order are limited only for the purpose of deciding the present Application.

[ARUN R. PEDNEKER]
JUDGE

DDC