



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

CRIMINAL REVISION APPLICATION NO. 286 OF 2025

- 1] Kailas Bhagwan Rathod
Age: 34 years, Occu.: Labour,
R/o. : At/Post. Vasant Nagar Tanda,
Parli, Tq.Parli, District Beed.
- 2] Yamunabai W/o Bhagwan Rathod
Age: 56 years, Occu.: Agri.,
R/o. : At/Post. Vasant Nagar Tanda,
Parli, Tq. Parli, District Beed.Applicants

Versus

- 1] The State of Maharashtra
Through Police Inspector,
Parli Rural Police Station,
Tq.Parli, District Beed.
- 2] Raju S/o. Sahebrao Pawar
Age: 37 years, Occu.: Labour,
R/o. : At/Post. Umarewadi Tanda,
Tq.Dharur, District Beed.Respondents

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Advocate for Applicant : Mr.Prashant P. Giri h/f. Mr. Vinod B. Jadhav
APP for Respondent no.1 : Mr.S.A.Gaikwad
Advocate for Respondent no.2 : Mr.Vishwamber Digamberrao Gunale

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 27 NOVEMBER, 2025

PRONOUNCED ON : 01 DECEMBER, 2025

JUDGMENT :

1. In this revision, original accused in Crime no.0269 of 2022 are taking exception to order dated 29-08-2025 passed by learned

Additional Sessions Judge, Ambajogai below application Exhibit 17 in Sessions Case no.35 of 2023, rejecting application and prayers for discharge.

2. On the strength of FIR dated 09-11-2022 lodged by one Raju Sahebrao Pawar, aforesaid crime was registered at Parali Rural Police Station, District Beed, for offence under Section 306 read with 34 of the Indian Penal Code (IPC) against present revisionists, who are husband and mother-in-law of deceased Babita, who hanged herself in the intervening night of 07-11-2022 and 08-11-2022. Based on such report, above crime was registered and after investigation, they were duly chargesheeted and were to be tried vide Sessions Case No.35 of 2023.

3. In above Sessions Case, revisionists preferred application exh.17 by invoking 227 of the Code of Criminal Procedure (the Cr.P.C.) urging for discharge. The application was opposed by prosecution and by order dated 29-08-2025, learned Additional Sessions Judge, Ambajogai, was pleased to reject the said application.

Aggrieved by the above, revisionists have knocked the doors of this Court, by invoking revisional powers of this Court urging to set

aside the impugned order and seeking discharge from above crime.

4. Learned counsel for revisionists would point out that there is false implication. According to him, deceased, sister of informant, was married to revisionist no.1 on 13-02-2013. He pointed out that almost after a decade of marriage, first time, allegations are levelled against revisionists for causing harassment on account of disrespect being shown to them, bringing insufficient dowry, raising suspicion on character and about demanding Rs.6,00,000/- for purchase of plot. According to learned counsel, it is to be borne in mind that marriage is of nine years old. At no point of time earlier, there was any reporting in above regard and directly allegations are raised in the FIR. He pointed out that, in fact deceased had mental illness and was being treated for the same. That, very investigating machinery has gathered papers from hospital where she was treated. He further added that deceased had suicidal tendencies as earlier also she had consumed pills as well as had earlier also attempted to hang herself and due to unsoundness of mind, had left the house and company of the revisionists and had been to Hyderabad for no reason. Thus, according to him, deceased, who was mentally disturbed and under depression, might have committed suicide under its influence.

5. He pointed out that, in the FIR, there are no allegations about any mal-treatment or inducement or abatement to commit suicide. That, in supplementary statement, after almost 10 days, allegations are made that two days prior to alleged suicide, deceased had come to stay with accused and merely because she hanged herself in matrimonial house, false allegations are levelled about demand, suspicion of character, even when both revisionist no.1 and deceased had children. He pointed out that, even going by the vague allegations in the supplementary statement, there is nothing in proximity to alleged suicide in the intervening night of 07-11-2022 and 08-11-2022 to connect revisionists and therefore, it is his submission that, implication on the basis of such allegations itself is improper and rather out of annoyance by the informant on account of losing sister.

6. As regards to mental condition of deceased is concerned, he pointed out that investigating machinery has itself gathered papers which show that since beginning, deceased was being treated at Sawali Mansopchar Rugnalya, Latur i.e. since prior to her marriage and she was continued to be treated. He also pointed out that medical papers gathered by investigating machinery from Swami

Ramanand Teerth Hospital, Ambajogai, also clearly show that in December 2022, deceased Babita was treated for consuming unknown pills and had also in December 2010 attempted to commit suicide by hanging.

7. In the light of such material, he would strenuously submit that deceased had suicidal tendencies and therefore, implication of husband and mother-in-law is improper. Lastly, he sought reliance on the Judgment of Hon'ble Apex Court in the case of *Mahendra Awase v. State of MP, 2025 (4) SCC 801*, Judgment of this Court (Bench at Nagpur) in Criminal Revision Application No.159 of 2024 dated 28-02-2025, and Judgment of this Court (Aurangabad Bench) in Criminal Application No.4127 of 2023 dated 25-04-2025, and urged to allow the revision, as according to him, with such material, making revisionists face trial, would impart injustice on them.

8. Per contra, learned APP for State as well as learned Counsel for informant have both strongly opposed on the ground that, deceased was in the company of accused and she had met unnatural death in the matrimonial house. That, accused owe and answer an explanation, which they do not supply. They both pointed out that

since barely few months after the marriage, there was taunting to the deceased for alleged disrespect shown to the family members of the bridegroom in the marriage. They pointed out that there was also demand of money for purchasing plot to the informant, who is brother and said demand was complied, but still there was maltreatment to her. They pointed out that even there was suspicion on her character. All such instances were reported to informant and other family members. That only because of such ill-treatment mated out, deceased hanged herself. According to them, there was no other reason.

9. They both strenuously submitted that investigating machinery has gathered ample material. That, there are statements of witnesses suggesting cruelty being mated out, demand being raised and deceased being harassed. That, death has taken place in the matrimonial house. That, death is unnatural and so as revisionists are solely responsible, they are required to face the trial and they both support order of rejection application exh.17 passed by learned Additional Sessions Judge, Ambajogai and urged to pass similar order.

They both seek reliance on the decision of the Hon'ble

Supreme Court in the cases of *Om Prakash Sharma v. Central Bureau of Investigation, Delhi*, AIR 2000 SC 2335 and *Bhawna Bai v. Ghanshyam and Ors.* AIR 2020 SC 554.

10. Before advertng to merits of the case, it would be just and proper to spell out settled legal position while considering discharge application under Sections 227 and 228 of the Cr.P.C. It is fairly settled position that, at such stage, Court dealing with such application is merely expected to determine existence of *prima facie* material for proceeding to frame charge and make accused persons face trial. Material gathered during investigation is expected to be sifted with limited purpose to find out whether there are sufficient grounds to proceed against accused. Neither in-depth analysis nor meticulous analysis of evidence is expected at such stage. Thus, the only duty of Court is to ascertain whether there is *prima facie* material suggesting existence of essential ingredients for the offences, which are alleged to be committed.

Above position has been time and again reiterated since the cases of State of *Bihar v/s Ramesh Singh* (1977) 4 SCC 39; *Union of India v. Prafulla Kumar Samal and Another* (1979) 3 SCC 4, and a decade back in the cases of *Sajjan Kumar v. Central Bureau of*

Investigation (2010) 9 SCC 368; Amit Kapoor v. Ramesh Chander and another (2012) 9 SCC 460; State of Tamil Nadu (By Inspector of Police Vigilance and Anti-Corruption) v. N.Suresh Rajan and Others. (2014) 11 SCC 709; Asim Shariff v. National Investigation Agency (2019) 7 SCC 148; and Ram Prakash Chadha v. State of Uttar Pradesh (2024) 10 SCC 651.

11. Perused the chargesheet bearing in mind the above settled legal position that at this stage, material is to be sifted with a limited purpose to ascertain whether there is *prima facie* material to proceed for trial or not and whether material suggests availability of ingredients to attract the charges.

Admittedly, informant brother of deceased Babita has approached Police on 09-11-2022 in the evening i.e. regarding suicide committed by his sister in the intervening night of 07-11-2022 and 08-11-2022. On visiting the report, it is emerging that father-in-law of deceased, Bhagwan passed on a telephonic message that informant's sister consumed some pills and ended up her life and subsequently, again telephoned and informed that she hanged herself. Then he narrated that marriage of his sister was of 13-02-2013. That, initial period of six years of marriage were

smooth and thereafter, husband started troubling his sister taunting that less dowry was paid, proper arrangements of the members, who attended marriage, were not made. On petty counts, mother-in-law used to trouble his sister and inflicted mental cruelty, which was reported by his sister on phone. He further reported that when understanding was given to them, for informing them she was troubled more. Then he alleges suspicion of character by husband. He further reported that meanwhile, children i.e. a boy and a girl were born. Six months back, there was demand of Rs.6,00,000/- for purchasing a plot and he stated that as there was trouble to his sister on such counts, said demand was met. Therefore, for inflicting mental and physical cruelty, he lodged report.

12. Record shows that subsequently on 19-11-2012 i.e almost 10 days after report, informant gave supplementary statement that, two days prior to the suicide, deceased had come to reside at Vasant Nagar Tanda, Tq.Parali i.e. her matrimonial house and due to cruelty inflicted to her by husband and mother-in-law, she hanged herself.

13. Thereafter, it seems that investigating machinery has recorded statements of witnesses. There is statement dated 10-11-2022 of

very real and elder sister of deceased namely Manisha Rajebhau Rathod and she has apparently given statement about her younger sister to be married, having two children and they all put up in Ambajogai whereas in-laws residing at Vasant Nagar Tanda and two days prior to death, she had come to stay at Vasant Nagar Tanda. Very categorically elder sister gave statement that she is unaware about alleged ill treatment by husband or in-laws as her sister never talked to her about it, but she committed suicide by hanging herself.

Thus, above is the statement of real elder sister of deceased. There are no allegations of any nature or about whatever informant brother reported.

14. Revisionists claim innocence and alleged false implication on grounds that there was no cruelty inflicted and nor ever demand was raised. That, allegations are levelled for the first time after more than nine years of marriage. That, moreover deceased had suicidal tendencies as she had earlier attempted to consume pills as well attempted to hang herself. That, deceased was mentally ill and was being treated for the same.

15. In support of above contentions, attention of this Court is invited to the medical papers of Sawali Center for Mental Health and

Research, Ambajogai. Attention of this court is also invited to communication by Medical Officer/RMO of Swami Ramanand Teerth Hospital, Ambajogai dated 08-12-2022 addressed to ASI, Parali Rural Police Station, informing that as per record of the hospital, deceased was treated on 18-09-2008 for consuming unknown pills and on 24-12-2010 brought with history of hanging.

16. Taking the above material into consideration, **firstly** as pointed out, marriage is of **2013** and suicide is of intervening night of **07-11-2022** and **08-11-2022** . Thus, suicide is almost after nine years of the marriage. Admittedly, deceased and revisionist no.1 have two children aged 9 years and 5 years old respectively. As submitted, though there are allegations that after six years of marriage there was mal-treatment, at no point of time, there was any reporting to that extent. Suicide is said to be committed in the matrimonial house at Vasant Nagar Tanda two days after arrival at such matrimonial place i.e. around 06-11-2022 or 07-11-2022. As pointed out, there are no allegations in the backdrop of allegations raised by brother in FIR about alleged taunting for not giving dowry; for not giving due respect to the relatives to bridegroom in the marriage; and character suspicion in proximity to suicide. There is nothing to suggest that

there was any instigation, abetment or inducement to commit suicide. There is nothing in the chargesheet to show that there were creation of such circumstances which compelled her to take the extreme step of ending her life.

On the contrary, very chargesheet comprises of medical papers depicting previous attempts of consumption of pills, attempt to hang and treatment being provided for mental ill-health.

Such material cannot be overlooked while considering prayers for discharge. As there is no material suggesting any sort of cruelty or mal-treatment in proximity to alleged suicide, revisionists deserve to be discharged. Hence, following order :

ORDER

- (I) Criminal Revision Application is allowed.
- (II) The Order dated 29-08-2025, passed below Exhibit 17 by the Additional Sessions Judge, Ambajogai, in Sessions Case No.35 of 2023 is quashed and set aside.
- (III) Application Exhibit 17 filed in Sessions Case No.35 of 2023 is hereby allowed.

(ABHAY S. WAGHWASE)
JUDGE