



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

CRIMINAL APPEAL NO.828 OF 2023

1. Rajkumar S/o. Ramdas Bhagat,
Age: 32 years, Occu. Agri.,

2. Suratbai @ Sarwati W/o. Ramdas Bhagat,
Age: 58 years, Occu. Agri.,

Both R/o. Dhokrai, Tq. Shrigonda,
Dist. Ahmednagar.

.... Appellants

VERSUS

The State of Maharashtra

..... Respondent

Appearance :

Mr. Rajendra K. Temkar h/f Mr. Madhav N. Kalyane, Advocate for
the Appellants.

Ms. A. S. Deshmukh, APP for the Respondent - State

CORAM : NEERAJ P. DHOTE, J.

Reserved On : 3rd December, 2025

Pronounced On : 16th December, 2025

JUDGMENT:

1. This Appeal under Section 374 (2) of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C') is directed against the Judgment and Order dated 30/08/2023, passed by the learned Additional Sessions Judge, Shrigonda, District Ahmednagar, (hereinafter referred to as 'the learned Trial Court'), in Sessions Case No.221/2019, convicting and sentencing the Appellants as follows :

"(1) Accused No. 1 Rajkumar Ramdas Bhagat and No.3. Sau. Suratbai @ Saraswati Ramdas Bhagat are hereby convicted

as per provisions of Section 235(2) of the Code of Criminal Procedure, for the offence punishable under Section 498-A read with 34 of the Indian Penal Code and they are sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs. 2,000/- (Two Thousand) each, in default to suffer simple imprisonment for two months.

- (2) *Accused No. 1 Rajkumar Ramdas Bhagat and No.3 Sau Suratbai @ Saraswati Ramdas Bhagat are further convicted as per section 235 (2) of the Code of Criminal Procedure, for the offence punishable under Section 304-B(2) read with Section 34 of the Indian Penal Code, and they are sentenced to suffer rigorous imprisonment for ten years and to pay fine of Rs. 5,000/- (Five Thousand) each, in default to suffer simple imprisonment for four months.*
- (3) *Accused No. 1 Rajkumar Ramdas Bhagat and No.3 Sau Suratbai @ Saraswati Ramdas Bhagat are further convicted as per section 235 (2) of the Code of Criminal Procedure, for the offence punishable under Section 323 read with 34 of the Indian Penal Code, and they are sentenced to suffer rigorous imprisonment for six months and to pay fine of Rs.1,000/- (One Thousand) each, in default to suffer simple imprisonment for one month.*
- (4) *Accused No. 1 Rajkumar Ramdas Bhagat and No.3 Sau. Suratbai @ Saraswati Ramdas Bhagat are further convicted as per section 235 (2) of the Code of Criminal Procedure, for the offence punishable under Section 504 read with 34 of the Indian Penal Code, and they are sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1,000/- (One Thousand) each, in default to suffer simple imprisonment for one month.*
- (5) *Accused No. 1 Rajkumar Ramdas Bhagat and No.3 Sau. Suratbai @ Saraswati Ramdas Bhagat are further convicted as per section 235 (2) of the Code of Criminal Procedure, for the offence punishable under Section 506 read with 34 of the Indian Penal Code, and they are sentenced to suffer rigorous imprisonment for one year and to pay fine of Rs.1,000/- (One Thousand) each, in default to suffer simple imprisonment for one month.*
- (6) *All the substantive sentences of imprisonment of accused shall run concurrently.*

- (7)
- (8)
- (9)

(10)
 (11)
 (12)
 (13)
 (14)
 (15)”

2. The Prosecution’s case, as revealed from the Police Report, is as follows :

[I] The Deceased – Sudeshna was the sister of the first Informant. The Deceased got married to Appellant No.1 on 10/12/2010. Seven (7) tola gold and Rs.21000/- with the household Articles were presented in the marriage. Deceased went to her matrimonial home and started residing with the Appellants, who are the husband and mother-in-law and the acquitted Accused. For initially five (05) to six (06) months, the Deceased was treated properly. Thereafter, the Deceased was being harassed and ill-treated by the husband and in-laws. The Informant and parents of the Deceased gave understanding to the Appellants, however in vain. Once the Deceased was driven out of the matrimonial house and so she came to reside with her parents. In September – 2012, Deceased got pregnant. However, ill-treatment continued, which resulted in her abortion, and she was sent to her parents’ house. Deceased was informed to come with Rs.2 Lakhs for constructing the house and starting the poultry business. After one month, the Deceased was

sent to her matrimonial house after the Informant and relatives gave understanding to the husband and in-laws of Deceased. However, the ill-treatment continued. After some days, Deceased became pregnant for the second time and she was driven out of house on 18/06/2013, and so she came to her parents' house. Deceased gave birth to one girl child on 01/10/2013. No one from her matrimonial side came to meet her. There was exchange of legal notices between both the sides. The matter was settled and the Deceased went to her matrimonial house in January – 2014. As the ill-treatment continued, the Deceased committed suicide by throwing herself in front of the running railway train on 12/11/2014.

[III] The brother of Deceased lodged the report with the concerned Police Station. The Spot Panchnama was conducted. The Inquest was done. The suicide note was found. The dead body was sent for Postmortem. The statements of the witnesses were recorded. The Appellants and the acquitted Accused came to be arrested. The suicide note and the papers submitted by the Informant were sent for the handwriting expert. During the investigation, it was revealed that, due to the ill-treatment at the hands of her husband and in-laws, Deceased committed suicide, and therefore, the Investigating Officer submitted the Charge-sheet against the husband and in-laws.

[III] On committal, the learned Trial Court framed the Charge against all the Accused persons i.e. the Appellants, the father-in-law, sister-in-law and mother-in-law of the Deceased below Exhibit – 11, to which, all of them pleaded not guilty and claimed to be tried. To prove the Charge, the Prosecution examined in all nine [09] witnesses and brought on record the relevant documents. On closure of the evidence by the Prosecution, the statement of the Accused came to be recorded under Section 313(1)(b) of Cr.P.C. They stated that, the Deceased was a short-tempered person and many times, she threatened of committing suicide. There was no change in her behavior and she committed suicide. The learned Trial Court, on appreciating the evidence on record, passed the impugned Judgment and Order, convicting the Appellants as above and acquitting the Co-Accused.

3. It is submitted by the learned Advocate of the Appellants that, the evidence on record do not establish the ill-treatment required to attract the offence punishable under Section 498-A of the Indian Penal Code, 1860 [hereinafter referred to as 'the IPC']. The evidence on record show that, the Deceased was a short-tempered woman and committed suicide in anger. The evidence on record go to show that, the husband and in-laws of the Deceased were financially well-off, having their own house, and therefore, there was no question

of demanding Rs.2 Lakhs from the Deceased's parents for constructing house and for poultry business. The suicide note was planted, and the report of handwriting expert cannot be accepted, as there is no evidence that, the handwriting with which the suicide note was compared was the natural handwriting of the Deceased. The evidence on record do not prove the Charge and the evidence on record show that, one day before the incident, Deceased had given in writing that, she will not threaten to commit suicide. The Witness No.5 was the got-up witness. Under such circumstances, the impugned Judgment of conviction and sentence be quashed and set aside, and the Appellants be acquitted. In support of his contentions, he cited the Judgments in ***Ude Singh and Others vs. State of Haryana; (2019) 17 SCC 301*** AND ***Kashibai and Others vs. State of Karnataka; (2023) 15 SCC 751***.

4. It is submitted by the learned APP for the Prosecution that, the Judgments cited by the learned Advocate for the Appellants are on the point of suicide and will not be of any assistance in the case at hand, as the conviction is for the offence punishable under Section 304-B of the IPC. There is evidence on record to show that, the Deceased was ill-treated and harassed. PW – 5 was an independent witness and her testimony corroborate the testimony of the Informant. The evidence of the handwriting expert show that,

the suicide note was in the handwriting of the Deceased. The written bonds brought on record show that, petty quarrels used to take place between the husband and wife, and there was exchange of notices between both the sides. The learned Trial Court has rightly convicted and sentenced the Appellants and the Appeal be dismissed.

5. As regards the above-referred decisions cited by the learned Advocate for the Appellants is concerned, they are in respect of abetment to suicide. The settled legal position is reiterated in the said Judgments that, for the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if accused is guilty of the act of instigation of the act of suicide. If the persons, who committed suicide had been hypersensitive and the action of Accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold Accused guilty of abetment of suicide. However, on the other hand, if the Accused by his acts and by his continuous course of conduct creates a situation which leads Deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 of the IPC.

6. In the case at hand, there is no dispute on the aspect that, the Deceased committed suicide by throwing herself before the

running train. The Postmortem Report below Exhibit – 74, which is admitted by the defence gives the probable cause of death “*Cardiopulmonary arrest due to hemorrhagic shock due to railway traffic accident*”. In addition to this, there is evidence of PW – 6 (Jayram Radhan Sonawane), who was operating the train from Nagpur to Pune on the day of accident and saw one lady on the railway track.

7. As regards the aspect of ill-treatment and harassment to the Deceased is concerned, there is no evidence of any eyewitness. On this aspect, the relevant evidence is that of PW – 1 (Pravin Mohanrao Mande), the brother of Deceased; PW – 4 (Mahadev Nana Bhosale), the neighbor of the Deceased’s matrimonial house; and PW – 5 (Varsharani Bapu Bhapkar), a friend of the Deceased.

8. There is no dispute in respect of the relations between the Appellants and the Deceased. The evidence of PW – 1 (Pravin Mohanrao Mande) that, at the time of marriage, Rs.21000/- was given as dowry, was an omission, which is proved through the evidence of the Investigating Officer i.e. PW – 9. The further evidence of PW – 1 (Pravin Mohanrao Mande) show that, the marriage of the Deceased was settled with free consent of both the sides and in consultation with each other. His evidence further go to show that, their financial condition was satisfactory in comparison with the Appellants. In his

evidence, he deposed of the mental and physical ill-treatment to the Deceased (sister) by the Accused persons. However, in the cross-examination, he volunteered that, the nature of Deceased was irritative. It has come in the evidence that, after one and half years of the marriage, when the Deceased was pregnant, the Appellants had gone for holy Darshan at Vrindavan. His evidence show that, no grievance was raised in respect of the abortion of the Deceased. It has come in his evidence that, due to irritative nature of Deceased, many times hot exchange of words used to take place between the Deceased and the Accused. His evidence show that, both the sides were at some fault in frequent disputes and the Deceased was being convinced by him and the family members to adjust with the situation. His evidence go to show that, in January – 2014, meeting / talks took place between both the sides, and it was decided that, they should enjoy the marital life and the terms were written down. The Deceased and Accused No.1 had both given in writing in respect of resolving their disputes / grievances. The writing was confronted to him and it is elicited that, Deceased had given undertaking that, she will not repeat the grievance against the Accused persons. In clear terms, it has come in his evidence that, on the day of incident, there was exchange of words between the Deceased and Accused, and the Deceased left the house and went towards Railway track in anger.

9. The evidence of PW – 4 (Mahadev Nana Bhosale) show that, he was the neighbourer of the Appellants and, therefore, knew them and the Deceased. His evidence show that, quarrel used to take place between the Deceased and her in-laws. His evidence show that, the Deceased had given birth to one girl child. On the day of incident, the brother and mother of the Deceased had come to her matrimonial house and the quarrel was going on till late night. His evidence show that, on the day of incident, when he came home at around 03:30 p.m., he was informed by his daughter that, Deceased was missing and she was under tension. Therefore, he searched for the Deceased and came to know that, Deceased had gone towards the Railway track. He and one Uable Sir went towards the Railway track and Deceased met them on the way. Deceased was very angry and when they requested her to return, she refused and told them that, she was going to her parent's house and asked them not to interfere in their matter and so they came back. Later on, he came to know about the incident of suicide by the Deceased on the Railway track. His further evidence in the cross-examination show that, the Deceased was a hot tempered person and the Accused persons used to complain that, the Deceased was not behaving properly with them. It has further come in the cross-examination that, due to the nature of Deceased, many times quarrel used to take place in the house and several compromise

meetings were held to convince the Deceased. In clear terms, it has come in his cross-examination that, there was no other ill-treatment to the Deceased in the matrimonial house and the Deceased was not ill-treated for demand of money. His evidence show that, he did not know the reason of quarrel on the day of incident. His further cross-examination show that, when he and Ubale Sir stopped the Deceased and requested to come back, the Deceased lifted stone to throw on them and father-in-law of the Deceased had come to take her back, however due to old age and permanent disability, he was unable to control the Deceased. It has come in his cross-examination that, on the day of incident, Appellant No.1 - husband was not present in the house. It has come in his evidence that, he gave his statement before the learned Magistrate as per Say of Police.

10. The evidence of PW - 5 (Smt. Varsharani Bapu Bhapkar) show that, Deceased was her friend. She deposed that, Deceased was subjected to harassment and ill-treatment by her husband and in-laws, such as not providing meals to her, not allowing her to meet her brother, administering poison to the Deceased, and demanding Rs.2 Lakhs for poultry farm and construction of house. Her cross-examination show that, she was educated up to 9th Standard and her matrimonial home was situated at Hiradgaon, and the Deceased was the resident of Madhewadgaon. She completed her education in

Hiradgaon and Deceased completed her education at Madhewadgaon. This indicate that, they were not the schoolmates and were residents of different Villages. Her further cross-examination show that, her evidence in respect of ill-treatment to the Deceased at the hands of the husband and in-laws and demand of money for construction of house and poultry farm was an improvement. It has come in her cross-examination that, when Deceased used to meet her while attending the College, she was happy. Her cross-examination further show that, her last meeting with Deceased was during the Diwali Festival of 2013. Thereafter, she had no talks with the Deceased either in person or on the telephone, and when she lastly met the Deceased, the Deceased was having one female child of four months. Her cross-examination show that, her statement under Section 161 of Cr.P.C. was not recorded. The statement was recorded under Section 164 of Cr.PC. Her cross-examination show that, the Informant accompanied her with her other relatives and there was discussion in respect of recording the statement and how to depose.

11. On evaluation of the above-referred evidence of the material witnesses of the Prosecution, it becomes more than clear that, the Deceased was a short-tempered woman. The evidence do not establish that, the ill-treatment or harassment was of such a nature so as to attract the offence punishable under Section 498-A of

the IPC. It is needless to state that, it is settled position under the law that, every harassment or ill-treatment do not qualify the term Cruelty to attract Section 498-A of the IPC. What the above-discussed evidence show is that, frequent quarrel used to take place at the matrimonial house of the Deceased. The evidence further show that, due to anger, the Deceased took the extreme step of committing suicide in front of the train. There are material omissions in the evidence of the witness. The evidence of PW – 5 (Varsharani Bapu Bhapkar) clearly show that, from last one year, there was no contact between her and the Deceased, and her version appears to be exaggerated with material omissions. The evidence of the Informant show that, written assurance was given by the Deceased that, she will not repeat the grievance. It is elicited in his cross-examination that, there was exchange of legal notices. Further, in the written undertaking below Exhibit – 48, signed by the Deceased and the Appellant – husband, there was no mention about the cause of abortion, demand of money, ill-treatment and harassment for fulfillment of demand. The evidence of PW – 4 (Mahadev Nana Bhosale) show that, frequent quarrel used to take place due to the nature of Deceased. The evidence of these witnesses examined by the Prosecution fall short of establishing that, the Deceased was subjected to cruelty at the hands of the Appellants and

demand of money. Quarrels by itself will not be incriminating unless it fall within the term 'cruelty' sufficient to drive the victim to commit suicide. The clear evidence on record show that, the Deceased was short-tempered person and she ended her life in anger.

12. The other material piece of evidence relied upon by the Prosecution is the suicide note, which is Article – A. The evidence of PW – 2 (Sachin Jaising Shirsath) show that, he was the Panch for the Spot Panchnama and the Inquest. His evidence show that, the spot of incident was the Railway track at Shrigonda, and the body was in Hospital in two pieces. His evidence nowhere show that, the suicide note was found with the Deceased. His evidence show that, he signed the papers at the instance of the Police without reading the same. His cross-examination show that, the chit was shown by the Police to him in the Shrigonda Hospital and he do not know from where the chit (Article – A) was seized by the Police. In clear terms, it has come in his evidence that, the chit was not having wrinkles. Exhibit – 51 (Spot Panchnama) show that, no paper was found on the spot of incident and nothing was seized from the spot of incident, whereas Exhibit – 52 (Inquest) speaks of one chit in the right hand of the Deceased.

13. The evidence of PW – 3 (Riyaj Mohammad Hanif Shaikkh) show that, on 13/11/2014, he was called at the Railway Police Station, Ahmednagar, wherein the ornaments and one chit written on the newspaper and the clothes of the Deceased were seized under Panchnama at Exhibit – 58. His evidence show that, the said Articles were produced by Police Constable - Rokade. He further deposed that, one person Pravin Mohanrao Mande (PW – 1) was present in the Police Station and he brought two written papers in the handwriting of Deceased, which were seized by the Police under Panchnama at Exhibit – 59. His cross-examination show that, PW – 1 (Pravin Mohanrao Mande) informed him the Police that, the said two written papers were in the handwriting of the Deceased. His evidence show that, he had no knowledge about the handwriting of the Deceased. Admittedly, the Prosecution has not examined the said Police Constable – Rokade, who produced the Articles, including the chit. Further, the evidence of PW – 9 (Shantilal Sheshrao More), the Investigating Officer, show that, the admitted handwriting was seized from the house of the Appellants. This show that, there is glaring inconsistency in the evidence of the Prosecution in respect of the two written papers, purported to be in the natural handwriting of the Deceased. There is absolutely no evidence to show that, the handwriting on the said two papers were that of the Deceased. The

evidence of PW – 9 (Shantilal Sheshrao More), the Investigating Officer, show that, there was no mention in the Panchnama about sealing of suicide note and there was no Panchnama of the admitted handwriting of the Deceased.

14. As seen from the above evidence, the seizure of the alleged suicide note seized during the investigation is highly doubtful. There is no clear evidence as to from where the said chit was found. It remains a mystery. On the contrary, the evidence of PW – 4 (Mahadev Nana Bhosale), who met the Deceased before the incident of suicide, speak that, the Deceased had lifted the stone to throw on them. If it is so, the Prosecution's case in respect of the suicide chit is required to be seen with serious doubt. Resultantly, the evidence of handwriting expert that, the handwriting on the chit and two papers matched, or were that of the Deceased, is of no assistance for the Prosecution.

15. The other evidence is that of PW – 7 (Bhaskar Bhikaji Bhos), the Special Judicial Magistrate, who recorded the statement under Section 164 of Cr.PC. It is needless to state that, the statement under Section 164 of Cr.PC is not the substantive piece of evidence. The evidence of PW – 9 (Shantilal Sheshrao More) show the investigation done by him and filing of charge-sheet.

16. The re-appreciation of the evidence on record, show that, the Prosecution's evidence is far from establishing the essential ingredients for the offences, for which the Appellants are convicted and sentenced. The evidence on record indicate exaggeration by the witnesses. The Prosecution utterly failed to establish the demand of money by the Appellants / Accused persons, cruelty to the Deceased at the hands of Appellants. The evidence clearly show that, the Deceased was of short temperament and frequent quarrels used to take between her and the in-laws and she committed suicide in a fist of anger. The evidence on record completely fall short of establishing abetment to suicide. As the evidence on record do not prove the Charge against the Appellants, the Appellants are entitled for acquittal. Hence, the following order:

ORDER

- [I] The Appeal is allowed.
- [II] The conviction and sentence recorded by the learned Trial Court against the Appellants, in Sessions Case No.221/2019 by the Judgment and Order dated 30/08/2023, is hereby quashed and set aside.
- [III] The Appellants are acquitted for the offences for which they were charged and convicted by the learned Trial Court by the impugned Judgment and Order.

- [IV] The Appellants are behind the bars. They be released forthwith if not required in any other offence.
- [V] The fine amount paid by the Appellants pursuant to the impugned Judgment and Order be refunded to them.
- [VI] The Muddemal Articles be dealt with as per the operative order of the impugned Judgment.
- [VII] The Record and Proceedings be sent back to the learned Trial Court.
- [VIII] Appeal stands disposed off accordingly.

[NEERAJ P. DHOTE, J.]

Sameer/December -2025