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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 502 OF 2024

Shrikant Sabaji Sawant & Ors ... Applicants

V/s.

The State of Maharashtra ... Respondent

Mr. Prasad Panchal a/w Ms. Neha Rane, Mr. gaurav
Ombale, for the applicants.

Mrs. Rajashree Newton, APP for respondent – State.

Mr. Inamdar, PSI, Kala Chowki Police Station.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 1, 2025

P.C.:

1. By this revision application, the applicant has challenged the order dated 29 June 2024 passed by the learned Additional Sessions Judge, by which the discharge application below Exhibit 9 in Sessions Case No. 76 of 2018 came to be rejected. The case concerns offences punishable under Sections 498-A and 306 read with Section 34 of the Indian Penal Code.

2. The case of the prosecution is that the First Information Report was lodged at Kalachowki Police Station by Smt. Munmayi Palkar, the sister of the deceased. It is alleged that the deceased was subjected to harassment by the present applicants.

3. According to the complainant, the deceased was residing in the matrimonial house with the applicants. Applicant Nos. 1 and 2 were habitual drinkers and unemployed. They often quarreled

amongst themselves in the house. Applicant No. 3 allegedly used to say that the deceased Madhuri was of unsound mind and should be abandoned.

4. It is further alleged that Applicant No. 1 used to beat the deceased after consuming liquor and drove her out of the house. Applicant Nos. 2 and 3 did not provide her food and also refused to eat the food cooked by her. At the time of marriage, Applicant No. 1 and his mother-in-law, Applicant No. 3, had demanded golden bangles from the family of the deceased. However, due to financial inability, the demand could not be met. On that count, the deceased was allegedly subjected to cruelty, which led to the registration of the FIR.

5. Learned Advocate for the applicants, referring to the material placed on record, submitted that even if the entire prosecution case is taken at its face value, the essential ingredients of Section 306 and Section 107 of the Indian Penal Code are not satisfied. It was contended that the material does not indicate any instigation or such a situation created by the applicants which left no option for the deceased but to commit suicide. The marriage had taken place in 2006, while the suicide occurred in 2015. Statements of the sister and neighbours lack specific details regarding the time, date, or manner of alleged mental or physical cruelty.

6. As regards the offence under Section 306, it is submitted that there is no proximate event on record linking the applicants to the act of suicide. On the contrary, the evidence of neighbours

indicates that the deceased was under treatment for mental illness. On this ground, it was argued that the applicants are entitled to discharge. Reliance was placed on the judgment of the Supreme Court in *Ramesh Kumar v. State of Chhattisgarh*, (2001) 9 SCC 618.

7. Per contra, learned APP opposed the revision and submitted that the material collected during investigation is sufficient to raise a prima facie case against the applicants. It was urged that the consistent allegations of harassment disclosed in the statements of the sister of the deceased and the neighbours fulfill the ingredients of the offences alleged. On that basis, it was submitted that the application deserves rejection.

8. I have carefully considered the submissions advanced on behalf of both sides. I have also perused the charge-sheet material and the order passed by the learned Additional Sessions Judge.

9. The core allegation is that the deceased was subjected to cruelty by the applicants and that such cruelty abetted her to commit suicide. In law, for an offence under Section 306, it must be shown that the accused had abetted the commission of suicide as defined under Section 107 of the Indian Penal Code. There must be material showing instigation or intentional aid which compelled the deceased to take the extreme step. Mere allegations of harassment, without a live and proximate link to the suicide, are not sufficient.

10. In the present case, the marriage was performed in the year 2006, while the unfortunate incident of suicide occurred in 2015.

There is a long gap of almost nine years between the two events. The FIR and statements of the witnesses do not bring on record any proximate incident or continuous course of conduct immediately preceding the suicide which could be said to have driven the deceased to end her life.

11. Learned counsel for the applicants rightly relied upon the judgment of the Supreme Court in *Ramesh Kumar (supra)*, where the Court held that “instigation” involves an active role in provoking, inciting, or encouraging the doing of an act. The Court further clarified that a word uttered in a fit of anger or general harassment, without any intention to push the deceased into such a position that she sees suicide as the only option, cannot amount to abetment. Mere utterances or harassment, unconnected with the act of suicide, cannot constitute instigation or abetment. The requirement is a live link and a proximate cause. Applying the said principle to the present case, the material on record does not establish the essential ingredients of Section 306 IPC.

12. The statements of the sister and neighbours are vague. They do not provide dates, months, or years of alleged acts of harassment. They also do not describe any incident of such intensity as would leave the deceased with no alternative but to commit suicide. On the contrary, material has come on record that the deceased was under treatment for mental illness. This aspect cannot be ignored while examining the nexus between alleged harassment and the act of suicide.

13. For the offence under Section 498-A also, the requirement is cruelty as defined in Explanation (a) and (b) to that section. The allegations made are general in nature and do not describe willful conduct of such gravity as would amount to cruelty within the meaning of law. Demands of golden bangles at the time of marriage, even if accepted at face value, cannot sustain a charge of cruelty after nine years of marriage when there is no continuity of demand or evidence of harassment linked to it.

14. In the facts of the present case, it is clear that the material on record falls short of making out offences under Sections 306 or 498-A read with Section 34 of the Indian Penal Code.

15. The learned Additional Sessions Judge has not properly appreciated the absence of essential ingredients of the alleged offences. The material as it stands, even if accepted in its entirety, does not disclose commission of the offences under Sections 498-A and 306 read with Section 34 IPC. The continuation of the trial against the applicants would, therefore, amount to an abuse of the process of law.

16. Hence, the revision application deserves to be allowed.

17. The impugned order dated 29 June 2024 passed by the learned Additional Sessions Judge below Exhibit 9 in Sessions Case No. 76 of 2018 is set aside. The applicants are discharged from the offences punishable under Sections 498-A, 306 read with Section 34 of the Indian Penal Code.

(AMIT BORKAR, J.)