

*Ashish*

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

**CRIMINAL REVISION APPLICATION NO. 508 OF 2024**

|                      |                |
|----------------------|----------------|
| Aaron Godinho        | ... Applicant  |
| <b>V/s.</b>          |                |
| State of Maharashtra | ... Respondent |

Mr. Prasad Panchal a/w Ms. Neha Rane, for the applicant.

Mr. Sagar Agarkar, APP for – State.

Mr. Sopan Kadam, PSI, Dongri Police Station.

**CORAM : AMIT BORKAR, J.**

**DATED : SEPTEMBER 16, 2025**

**P.C.:**

1. This Revision Application is directed against the order passed by the Sessions Court rejecting the applicant's plea for discharge in respect of offence punishable under Section 306 of the Indian Penal Code.

2. The prosecution case, in short, is as follows. The first informant, Ms. Wendy Wanning, who is the cousin of the deceased, works as an Area Sales Manager at Kokilaben Hospital. She was close to the deceased, who used to share her personal as well as professional issues with her. The deceased herself was working as a nurse at Kokilaben Hospital for about three years, but from January 2017 she secured employment at Bhatia Hospital. For that purpose she had shifted her residence to Byculla on 8 December

2016. It is alleged that sometime in early 2016, the deceased had disclosed to the complainant that she was in a relationship with one Mr. Aaron Gondinho. It is further alleged that the said Aaron arranged for her to shift to a rented accommodation at Byculla belonging to his aunt, Mrs. Theresa S. Rasquinha.

3. According to the prosecution, the deceased entered into a relationship with the present applicant on being promised marriage and a better life. However, during her regular interactions with the complainant, she disclosed that she was facing several personal difficulties with the applicant. It is alleged that in November 2016 the deceased became pregnant. When she informed the applicant about it, he allegedly pressurised her to terminate the pregnancy. It is alleged that in the first week of December 2016, the applicant took her to Goa for abortion. Because of the applicant's hostile behaviour, the deceased is stated to have remained under great mental stress.

4. The prosecution further states that on 20 December 2016, when the deceased met the complainant, she was in tears and appeared depressed. She confided that the applicant had forced her into physical relationship on the promise of marriage, that he had compelled her to undergo abortion, and that despite all this he was continuing his relationship with another girl named Gauri.

5. On 26 December 2016, the complainant received a call from the applicant's aunt informing her that there had been a quarrel between the deceased and the applicant, and thereafter the deceased had locked herself in a room. The complainant and her

cousin brother Denzel tried calling the deceased on her mobile phone but there was no response. A little later, Denzel informed the complainant that the applicant had conveyed to him that the deceased was dead. Thereafter the complainant, along with her aunt, went to JJ Hospital to claim the body. The complainant also checked the Facebook account of the deceased and found that several details were deleted and the account was deactivated, which according to her was done by the applicant. On this basis, the FIR came to be registered.

6. The learned counsel for the applicant has drawn attention to the statements of two witnesses, Savita Singh and Tintu Thomas. He submitted that these witnesses have stated that on the night before the incident, the deceased had consumed liquor and partied with her friends. The witness Tintu Thomas stayed with the deceased that night and in the morning noticed hair strands of the deceased spread in the room, as she had cut her hair. The witness left the house in the morning, and in the afternoon the deceased committed suicide. According to the applicant's counsel, these circumstances show that there was no proximate act of abetment on the part of the applicant, nor was the deceased left with no other option but to end her life. He submitted that the essential ingredients of Section 306 IPC are absent and, therefore, the applicant deserves to be discharged.

7. On the other hand, the learned APP has opposed the Revision. He submitted that the material on record clearly indicates that the ingredients of Section 306 IPC are satisfied. The deceased was pregnant with the child of the applicant. She was

compelled to undergo abortion against her will. She was also denied the promise of marriage. These acts pushed her into severe mental distress and ultimately led her to commit suicide. At this stage, according to the learned APP, a prima facie case is clearly made out. Therefore, the Sessions Court rightly rejected the application for discharge and no interference is warranted in Revision.

8. I have considered the rival submissions and perused the record. At the stage of considering an application for discharge, the Court is required to see whether the material on record, taken at its face value, discloses the ingredients of the alleged offence. It is not permissible to conduct a roving inquiry into the pros and cons of the case, nor to weigh the sufficiency of evidence. What is required is a prima facie satisfaction that the basic ingredients of the offence are made out.

9. Section 306 IPC makes abetment of suicide punishable. To constitute the offence, there must be material to show that the accused had instigated, aided, or intentionally driven the deceased to commit suicide. Mere allegation of strained relationship, failure of love affair, refusal to marry, or general quarrels cannot by themselves amount to abetment, unless there is a clear act of incitement or direct participation in the commission of suicide.

10. In the present case, the prosecution story, even if taken at its highest, shows that the deceased was in a relationship with the applicant, that she became pregnant, that she was allegedly compelled to undergo abortion, and that she was unhappy with

the applicant's behaviour. These circumstances, though unfortunate, do not by themselves constitute instigation or intentional abetment as required under Section 306 IPC.

**11.** The statements of the witnesses Savita Singh and Tintu Thomas assume significance. They have stated that on the night preceding the incident, the deceased consumed liquor, was partying, and had cut her hair. They further state that the witness left in the morning and in the afternoon the deceased committed suicide. These statements indicate that the act of suicide was a decision taken by the deceased in her own state of mind. There is nothing to show any proximate act by the applicant that pushed her into committing suicide on that very day.

**12.** The chain of circumstances placed by the prosecution discloses a strained relationship between the deceased and the applicant, but does not disclose any direct act of abetment immediately preceding the suicide. The law requires a live and proximate link between the conduct of the accused and the suicide committed. In the absence of such material, continuation of prosecution would amount to abuse of process of law.

**13.** In view of the above discussion, I am satisfied that the material on record, even if accepted in its entirety, does not fulfill the ingredients of Section 306 IPC. The order of the Sessions Court refusing discharge suffers from error. The applicant is entitled to be discharged.

**14.** Accordingly, the Revision Application is allowed. The impugned order of the Sessions Court is set aside. The applicant is

discharged from the offence punishable under Section 306 of the Indian Penal Code.

**(AMIT BORKAR, J.)**