

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

REVISION APPLICATION NO. 22 OF 2025

Mrs. Sonali Pravin Pawar ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

Mr. Abhishek Yende a/w Mr. Sagar Paspohe & Mr. Shubham Kahite,
learned Advocates for the Applicant.

Ms. Mahalaxmi Ganpathy, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th OCTOBER, 2025.

P.C. :

1. Heard Mr. Abhishek Yende, learned Advocate for the Applicant and Ms. Mahalaxmi Ganpathy, learned A.P.P. for the State/Respondent.

2. By the present Criminal Revision Application, the Applicant (Accused No. 5) is assailing the order dated 4th September, 2025, passed by the learned Additional Sessions Judge, Pune, dismissing the Application dated 27th April, 2023 at Exhibit-90 filed by the Applicant under Section 227 of the Criminal Procedure Code, 1973, seeking discharge in Sessions Case No. 910 of 2017 (impugned order).

3. First Information Report bearing Crime No. 187 of 2017

dated 7th October, 2017, was registered with the Dighi Police Station, Pune against the Applicant and other accused persons for the offences punishable under Sections 498-A & 306 read with 34 of the Indian Penal Code, 1860, on the basis of a complaint lodged by the Informant, i.e., Suresh Shankar Nikam, father of the deceased Namrata.

4. Case of the prosecution is that deceased Namrata was married to Vishal Shelar, Accused No. 1. Upon her marriage, she was subjected to ill-treatment at the hands of her husband, in-laws & sister-in-laws for petty reasons. On account of the ill-treatment and harassment, deceased Namrata was suffering physically as well as mentally. Out of the wedlock with Accused No. 1, deceased Namrata has a son. Monetary demand of Rs. 2,00,000/- and a demand for four wheeler vehicle were made by Accused No. 1 and his family members from the father of deceased Namrata. Deceased Namrata committed suicide. Dying Declaration of Namrata was recorded.

5. Upon investigation, charge-sheet was filed before the Court of the learned Additional Sessions Judge, Pune and the said crime was registered as 'Sessions Case No. 910 of 2017'. Applicant filed an Application at Exhibit-90 under Section 227 of the Cr.P.C. seeking discharge of the Applicant.

6. By the impugned order, the learned Additional Sessions Judge, Pune had dismissed the Application at Exhibit-90.

7. Mr. Abhishek Yende, learned Advocate for the Applicant submits that the material on record, does not indicate any ground

for framing charge against the Applicant. He submits that the material placed before the Court, does not disclose even a suspicion against the Applicant, as such no case is made out for framing charge against the Applicant. He submits that the Applicant is the sister-in-law of deceased Namrata and is a permanent resident of Pune. He submits that the Applicant did not reside with the deceased Namrata and at any rate she was not at the place where deceased Namarata committed suicide. He by referring to the Dying Declaration, submits that the allegations are general in nature and at any rate do not point out to any overt act attributed against the Applicant. He submits that the notings in the Diary of deceased Namrata do not attribute anything incriminating against the Applicant. He submits that on similar facts, Radhika Vijay Pawar, sister-in-law of the deceased Namrata is discharged in the said crime by this Court vide its order dated 21st February, 2023 passed in Criminal Revision Application No. 387 of 2019 (pages 238 to 243 of the paper-book).

8. Ms. Mahalaxmi Ganpathy, learned A.P.P. for the State/Respondent submits that the notings in the Diary of deceased Namrata, are in proximity to the date the deceased Namrata committed suicide. She submits that the allegations in the Dying Declaration are sufficient to implicate the Applicant in the present crime for framing charge. She by relying on the reasons given in the impugned order submits that no case is made out for interference.

9. Perused the records with the assistance of the learned Advocates of both the parties.

10. Though the FIR in the present crime makes a reference to the alleged harassment/ill-treatment by the husband and the family members of the husband of deceased Namrata over petty issues such as ironing of clothes, putting on light, watching television, cooking and heating water for bathe, however the same does not make any reference to any overt act attributable to the Applicant. No material is placed on record to indicate the Applicant's presence at the matrimonial home on the date on which deceased Namrata committed suicide. Dying Declaration is said to have been made on 6th October, 2017. Said Dying Declaration does not attribute any overt act against the Applicant, much less any allegation of harassment or ill-treatment at the hands of Applicant.

11. Investigation reveals deceased Namrata would write a daily Diary. Entry in the Diary on 12th August, 2017, makes a reference to the Applicant being responsible for filling negative thoughts against deceased Namrata in the mind of her mother-in-law. Deceased Namrata committed suicide on 7th October, 2017.

12. In the case of *Ude Singh and Others v/s. State of Haryana*¹, the Hon'ble Supreme Court in paragraph 16 has observed as follows :-

“16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the court would be looking for cogent and convincing proof of the act(s) of incitement to the

1. (2019) 17 SCC 301.

commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. *For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of the accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.”*

13. In the case of ***Shenbagavalli and Others v/s. The Inspector of Police, Kancheepuram District and Another***², the Hon’ble Supreme

2. 2025 SCC OnLine SC 987.

Court in paragraph 15 has observed as under :-

“15. Section 306 requires a person having committed suicide as a first requirement but for abetment of such commission, which is essential, the ingredients must be found in Section 107 IPC. The requirement of abetment under Section 107 IPC is instigation, secondly engagement by himself or with other person in any conspiracy for doing such thing or act or a legal omission in pursuance to that conspiracy and thirdly intentionally aids by any act or an illegal omission of doing that thing. In large number of judgments of this Court it stands established that the essential ingredients of the offense under Section 306 IPC are (i) the abetment; (ii) intention of the accused to aid and instigate or abet the deceased to commit suicide. Merely because the act of an accused is highly insulting to the deceased by using abusive language would not by itself constitute abetment of suicide. There should be evidence suggesting that the accused intended by such act to instigate the deceased to commit suicide. (M. Arjunan v. State represented by its inspector of Police reported in (2019)3 SCC 315.)”

14. In the instant case, there is no material to suggest that the Applicant having harassed or ill-treated the deceased Namrata and as a result thereof, deceased Namrata being driven/compelled to end her life/to commit suicide. Foundation of the case is the suicide note, which does not advance the case of prosecution as against the Applicant. The essential ingredients for the offence of abetment of suicide and the ingredients for the offence in the present crime having not being fulfilled, continuation of proceeding against the Applicant would not be sustainable.

15. The reasons recorded in the impugned order for rejecting the Application at Exhibit-90 are found in paragraphs 18 to 21, which are transcribed hereinbelow :-

“18] In short, the cruelty is mental and physical. It depends on

the culture and the society in which the deceased was residing.

19] *I am giving hypothetical example to explain the cruelty that a villager who resides in forest may some time feel that beating to wife is not cruelty but a wife and husband if are well educated person and the husband did not talk with wife for some period without any fault, neglected wife without any fault for the days together ignored her there will be mental cruelty to her: If a woman is brought up in environment in which there is high respect to a woman and she did not observe any quarrel of husband with wife while she is going to adult and her husband quarreled with her, talk loudly with her, then she may feel it cruelty. So cruelty is dependent on facts and circumstances of each case. Now in the present case, the deceased Namrata is well qualified educated girl brought up in the city like Pune. She maintained her daily diary sometime in English and sometime in Marathi. She mentioned her feeling of each date about the incident occurred with her. The document seized by police during investigation indicates that many times the applicant and her sister instigated inlaws of Namrata against Namrata. Thus there is a documentary evidence. The two friends of Namrata whose statements under section 164 of Cr.PC. recorded is having presumptive value under section 80 of Evidence Act. Pratibha Milind Bhagwat, Swati Vasant Chavan have stated that Namrata meets many time to them and she stated that the applicant and her sister used to instigate her inlaws and Vishal against her. She has stated the incident of Barsa to her friends. Though this incident seems to be small incident but day of Barsa of a child is emotional day for woman and when a drama has been created on that day, it will be torture to Namrata and that has been done according to her.*

20] *From the above evidence it is clear that the applicant and her sister alongwith other accused ill treated Namrata.*

21] *Commission of suicide is not switch on and switch of condition. A person goes to depression state of mind and there are many reasons for a person to go to that stage and thereafter one single incident is sufficient for that person or that incident may become cause for that day to commit suicide but actually caused are the incident which developed depression in the mind of the person to commit suicide. The above reasoning stated by me indicates that Namrata gone to that mental depression condition.*

Section 113 of the Evidence Act indicates the presumptions. All these facts indicates that there is sufficient evidence to frame the charge. For framing the charge it is not necessary that there should be evidence beyond reasonable doubt. There must be evidence proceed with the trial and above evidence on record indicates that there is sufficient evidence for proceeding the trial. Hence, I proceed to pass following order :-

ORDER

The application stands rejected.”

16. The Apex Court in the case of ***Dilip Purushottamrao Pathak v/s. State of Maharashtra***³, has observed in paragraph 13 as follows :-

“13. ... The Apex Court, in the case of Dilawar Balu Kurane v. State of Maharashtra, reported in [\(2002\) 2 SCC 135](#) : [AIR 2002 SC 564](#) observed thus (Para 12):

*“In exercising powers under Section [227](#) of the [CrPC](#), the settled position of law is that the Judge while considering the question of framing the charges under the said section has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out; where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be fully justified in framing a charge and proceeding with the trial; by and large if two views are equally possible and the Judge is satisfied that the evidence produced before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully justified to discharge the accused, and in exercising jurisdiction under Section [227](#) of the [CrPC](#), the Judge cannot act merely as a post office or a mouthpiece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court but should not make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial (See *Union of India v.**

3. 2008 SCC OnLine Bom 1791.

Prafulla Kumar Samal, (1979) 3 SCC 4 : (AIR 1979 SC 366).”

17. The impugned order does not consider the requirements of Section 227 of the Cr.P.C. and the law on the subject, while adjudicating the Application at Exhibit-90. The judicial discretion exercised by the learned Additional Sessions Judge is grossly erroneous.

18. In view of the above, the present Criminal Revision Application is allowed in terms of prayer clauses (c) & (d), consequently, the the impugned order is set aside, the Application at Exhibit-90, filed by the Applicant in Sessions Case No. 910 of 2017, is allowed in terms of prayer clause (a).

[ASHWIN D. BHOBE, J.]

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