



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO.24/2025

Vinod Shivakumar,
age 40 Years, Occu. Service,
R/o 3/4 Kachnar Block,
Forest Officer Colony,
Civil Lines, Nagpur.

... Applicant

- Versus -

State of Maharashtra,
through Police Station Officer,
Police Station Dharni,
Tah. Dharni, Distt. Amravati.

... Non-applicant

Mr. Sunil Manohar, Senior Advocate a/b. Mr. A.C. Jaltare, Advocate for the
applicant.

Mr. V.A. Thakare, A.P.P. for non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATE OF RESERVING THE JUDGMENT: 11.9.2025.

DATE OF PRONOUNCING THE JUDGMENT: 24.9.2025.

JUDGMENT

Rule. Rule made returnable forthwith. Heard finally by consent
of learned Advocates for the parties.

2. By this revision application, the applicant has taken an exception
to the order passed below Exh.25 by the learned Ad-hoc District Judge-2 and
Additional Sessions Judge, Achalpur in Sessions Case No.52/2021 thereby
rejecting the application under Section 227 of the Code of Criminal Procedure
for discharge filed by the applicant.

3. Range Forest Officer, Harisal Range, has committed suicide on 25.3.2021. She has left behind three suicide notes addressing to her husband, mother and the Additional Principal Chief Conservator of Forest, Amravati-Mr. Reddy wherein the allegations are made against the applicant and Mr. Reddy that they are responsible for driving her to the level where she was left with no option but to end her life.

4. The offence was registered against the applicant as well as Mr. Reddy. The F.I.R. against Mr. Reddy is quashed by this Court on 13.8.2021.

5. The allegations, in all the three suicide notes, are about the rude, cruel, obnoxious behaviour of the applicant which forced the deceased to finish her life. The specific allegations made against this applicant are (i) ordering of encroachment removal, (ii) in connivance with one Manisha Uike lodging of F.I.R. under the Scheduled Tribes and Scheduled Castes (Prevention of Atrocities) Act, 1989 (iii) undertaking rehabilitation of villages, (iv) reprimands and issuance of show cause notices to the deceased in respect of her official duty and (v) causing miscarriage.

6. The applicant had previously approached this Court seeking quashing and setting aside the charge-sheet filed for the offence punishable under Sections 306, 312, 504 and 506 of I.P.C. At that time, the applicant had restricted his claim to the extent of Section 312 I.P.C. and insofar as the other offences are concerned, all contentions were kept open and liberty was reserved to take appropriate steps before the trial Court. This Court has quashed and set aside the offence punishable under Section 312 of I.P.C. against the applicant on 30.6.2023.

7. The learned Senior Advocate for the applicant has urged that the deceased has levelled different allegations and has expressed different emotions in all of the aforementioned suicide notes. In the suicide note addressed to Mr. Reddy, the deceased had raised in all seven allegations. Firstly, the applicant was light eared. Secondly, the applicant threatened her of suspension. Thirdly, the applicant abused her in front of villagers. Fourthly, the applicant compelled her to do work. Fifthly, because of the applicant an atrocity case was registered against her, sixthly, the applicant made her to do illegal work of removal of encroachment and seventhly, the applicant was responsible for her miscarriage.

8. The learned Senior Advocate for the applicant has submitted that being very light eared is not an allegation in the eye of law. For suspension, the applicant had no power to place her under suspension without sanction of the APCCF as per established procedure. The instances where the present applicant has stated to have lost his temper, was in regard to unsatisfactory work being done. As the superior officer, the applicant is expected, rather duty-bound, to ensure the quality and timely completion of work by his subordinates. Unparliamentary language is not used by this applicant while reprimanding the deceased. He has given show cause notices to her to improve her work in good faith as per the mandate of Section 93 I.P.C. and also as per Section 81 I.P.C. Regarding reprimanding the deceased on several times, applicant being superior officer to the deceased was well within his right to ask the questions and reprimand all junior officers, including the deceased, for all their mistakes and dereliction.

9. The deceased used to report to the office in casual clothes, taking leaves and not reporting on due date, improper investigation of wildlife crimes and illegal timber felling in her range etc. are the complaints against the deceased and dereliction of her duties. Being In-charge, it was the duty of the applicant to keep a check on the functions of his subordinates. She was in habit of casual and improper work. Continuance of ignorant behaviour by her was the reason behind the issuance of show cause notices and D.O. letters to the deceased. One Manisha Uike has lodged the complaint against the present applicant under the Atrocities Act.

10. The learned Senior Advocate for the applicant has pointed out that from the suicide notes it reveals that the deceased alleges that nobody ever insulted her so much as the present applicant does. On rare instances, where the applicant has lost his temper, were in relation to unsatisfactory and substandard work carried out by his subordinate officers and reprimands were made with all other erring staff without singling out anybody. Regarding the allegations about not approving her leaves, the applicant has stated that he has no authority to grant or reject her leaves but to only recommend leaves to his superior officers. Out of 8 occasions, the deceased was granted leave on six occasions. She remained absent from her duties for more than a month without any communication and after rejoining had applied for approval of leaves. She had already availed of medical leaves. Therefore, there is no substance in the allegations made that because of the leaves not granted by this applicant, it caused harassment to her.

11. One Manisha Uike has ruined her life and because of which she will never be happy are the allegations which are not against this applicant. Said Manisha Uike is not co-accused in this case.

12. It is trite position of law that in case of abetment of suicide, *prima facie*, it should appear that the person possesses mens rea while driving the other person to commit suicide. Very ailment of offence under Section 306 is that the accused either aided or abetted the suicide or at least be willfully responsible for creation of circumstances in which the alleged victim left with no other choice but to commit suicide. In the present matter, even if everything in the charge-sheet is accepted to be gospel truth, even then the intention of the applicant of making the deceased to commit suicide is not forthcoming. Intention i.e. mens rea is the primary ailment of establishing charge under Section 306 I.P.C. Such intention was not even been alleged by the deceased through her suicide notes, or her husband through his multiple statements or anywhere else in the charge sheet.

13. When dealing with the charge under Section 306 of I.P.C., the only aspect that takes paramount importance is the thought that loomed upon the mind of the victim at the time of commission of offence and all the other aspects take back seat and have utmost negligible value. The allegations which she had made are (i) forced to carry out rehabilitation work, (ii) forced the deceased to smell animal scat etc. Handling of an investigation of animal scat is a routine procedure that has to be carried out by the Forest Officials which plays a vital role in wildlife management and preservation.

14. Third is about reprimands given to the deceased for improper maintenance of solar panels and non-appointment of trained, skilled J.C.B. Driver.

15. The deceased was instructed by the applicant to appoint trained J.C.B. Driver, who would carry out work efficiently, however, the deceased had ignored a direct instruction and had employed a driver from a neighbouring village. Due to this fact, the work allotted to the deceased was not going on properly and hence, the applicant had only reprimanded her for the official work.

16. It is further argued that the only incident that took place in the close proximity of the suicide is the one that had happened in the afternoon of the suicide when the mother of the deceased left for Satara. Even if the suicide note addressed to the mother is perused, it is evident that the deceased was sad about not being able to take care of her mother. Even the incident of her mother leaving is rather animated and the same is evident from the statements of Sunil Bethekar, Jyoti Bisen and her mother.

17. From the statement of her mother it is seen that immediately before her death she had not either expressed her discontent towards the present applicant or complained against him to any extent. The deceased herself was facing the departmental enquiry and the department had lodged a charge sheet under the allegations of corruption against her and that till the conclusion of the investigation and enquiry, the deceased was not transferred from earlier Forest Range to the one under the applicant which is evident from the suicide note addressed to Mr. Reddy.

18. The allegations of the offence under Section 306 of I.P.C. are not satisfied by the charge sheet. Hence, prayed to quash and set aside the order dated 24.10.2024 passed below Exh.25 in Sessions Case No.52/2021 by allowing this application.

19. The learned A.P.P. opposed the application stating that there are three suicide notes which speak about the harassment meted out by the present applicant to the deceased Dipali Chavhan. Falsely implicating her in atrocity case and troubling her on one or the other reason, by making her to visit in the odd hours at the spot especially when the deceased was pregnant and the applicant had made her go for trek which resulted into miscarriage of her pregnancy. Deceased Dipali Chavhan was directed to remove the encroachment in Mangiya village without following procedure as prescribed in Section 34A of the Wildlife Protection Act, 1972 and thus, the other villagers opposed the removal of encroachment. When said fact was informed by the deceased Dipali to the applicant Vinod Shivakumar, he threatened the deceased for registration of an atrocity case. She has also posted whatsapp messages about the complaint against the present applicant Vinod Shivkumar to Mr. Reddy.

20. The telephonic exchange between the applicant and the deceased, that had happened on the same day was recorded by the deceased in her mobile phone and forwarded to the other witnesses. Serving of liquor and meat in the rest house is prohibited under Section 29(A) of the Wildlife Protection Act, the applicant acting as Deputy Conservator of Forest being higher authority to the deceased used to direct the deceased and other subordinate employees to serve him with liquor and non-vegetarian food at the rest house. Said allegations are reflected from the statements of Jyoti Bisen, Sanjiv Dhikar, Rajesh Mohite, Shakuntala (mother of deceased) and A.C.F. Patwari.

21. The allegations about causing miscarriage and rehabilitation of Malur villagers are also supported by the statements of witnesses. The statements of witnesses would show that prior to the commission of suicide by the deceased Dipali, the applicant had visited area of deceased R.F.O. and had reprimanded the deceased on the ground of excavation, water holes, installation of hand-pump, JCB machine about construction of quality of the huts, maintenance of the solar panels installed at various spots and about various other miscellaneous reasons. There is an ample evidence in the form of the statements of witnesses who have witnessed the harassment caused by the applicant with an intention of commission of suicide by the deceased. The evidence in the form of suicide notes and the statements of witnesses are sufficient enough to bring home the guilt of the present applicant in the crime punishable under Section 306 of I.P.C. with the aid of Section 107 of I.P.C. Hence, prayed to reject the application.

22. A lady Range Forest Officer has committed suicide by the official pistol. Before committing the suicide, she called to her mother, husband and her driver and informed about her suicide. At that time, the deceased was alone at her home. She has written three suicide notes and in all the three suicide notes, she had made allegations about the harassment by the applicant at the workplace.

23. Harassment in itself does not sufficient unless it is accompanied by deliberate acts of inducement or facilitation. It is well established legal principle that the presence of clear mens rea, the intention to abet the act, is essential. Mere harassment by itself is not sufficient to find an accused guilty of abetment of suicide. The prosecution must demonstrate an active or direct

action by the accused that led the deceased to end his or her own life. The ailment of mens rea cannot simply be presumed or inferred. It must be with intent and explicitly discernible. Without this the intentional requirement for establishing the abetment under law is not satisfied.

24. It is necessary to consider the conduct of an accused including provoking, urging or torturing the victim's self-esteem which created an unbearable situation. If the accused's actions were intended only to harass or express anger, they might not meet the threshold for abetment or instigation.

25. Reliance is placed by the learned Senior Advocate for the applicant in the case of *Jayedeesinh Pravinsinh Chavda and others V/s. State of Gujarat* reported in **(2025) 2 SCC 116** wherein in paragraph No.32 following observations are made:-

“32. This Court in Ude Singh V/s. State of Haryana, held that to convict an accused under Section 306 IPC, the intent or mental state to commit the specific crime must be evident when assessing culpability. It was observed as under (SCC pp.321-22, para 16):

“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 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 aboveresferred, 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 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.”

26. In the present case, the deceased has made specific allegations against the present applicant. Before committing the suicide, she has wrote three letters. The pages of the suicide letters shows that she has written it in a perfectly disturbed state of mind. It appears from the letters that the deceased was hypersensitive to ordinary discords and differences which happened in her day-to-day life. Human sensitivity of each individual differs from the others and different people behave differently in the same situation. However, on carefully scrutinizing the facts, in this case, it is seen that three suicide notes were written by the deceased to her husband, her mother and to the higher officer- Mr. Reddy.

27. Though she has written the letter to the higher officer, she has made allegations against him also i.e. Mr. Reddy and has stated about her departmental enquiry. From the said suicide note, it appears that she has mentioned that she was not able to live with her mother and give time to her family.

28. The allegations are made against this applicant about calling her to meet him at odd hours and using filthy language. She has narrated about her official work. She has blamed the applicant for her miscarriage. When she informed about the offence registered against her under the Atrocities Act, the reaction of the applicant is mentioned in specific words. One of the way of torturing her was not granting her leave. She has stated about since the last two weeks, the applicant visited Harisal and used to talk in a derogatory manner, used to abuse her, call her in Sankul at night and tried to take advantage of her loneliness but as she has not acted as per his wish, he has insulted her and harassed her mentally and, therefore, she has committed the

suicide. She has specifically mentioned the name of this applicant as the person who is responsible for her death.

29. In the letter written to her husband, she has stated that the applicant had insulted her and now she cannot tolerate it any more. In said letter, she has mentioned about one Manisha Uike, who has lodged the complaint against her under the Atrocities Act. She has stated that she has regrets of not giving birth to his child.

30. In suicide letter to her mother, she has stated about not giving time to her. She was disturbed due to miscarriage and in one paragraph, she has mentioned about the mental harassment by the applicant.

31. As per charge sheet, she has also forwarded the said letters on her whats-app group and the Driver and the other employees working in Harisal have received it.

32. On perusal of all these three suicide letters, it appears that though she has made allegations against the applicant about harassment, taking disadvantage of her loneliness and not granting leave to her, on considering the contents in all the three letters, it is seen that her mental status was disturbed but it has to be seen whether it is sufficient to book a person like the applicant for the offence punishable under Section 306 of the Indian Penal Code on the basis of the allegations made in her three suicide notes.

33. It is admitted position that the deceased was working under the applicant.

34. On perusal of statements of the witnesses, it appears that she has disclosed about it to the persons who were with her. Here, the question would be as to whether for the suicide of a person being of disturbed mind, the official acts done by the superior will be sufficient to book such a superior officer for the offence under Section 306 of the Indian Penal Code.

35. It is observed by this Court in the case of *Dilip Ramrao Shirsao V/s. State of Maharashtra* reported in **AIR OnLine 2016 Bom 21** wherein reliance is placed by this Court on the observations made in para 20 by the Hon'ble Apex Court, which read as under:-

“20. As has been held by Their Lordships of the Apex Court that for permitting a trial to proceed against the accused for the offence punishable under Section 306 of the Indian Penal Code, it is necessary for the prosecution to at least prima facie establish that the accused had an intention to aid or instigate or abet the deceased to commit suicide. In the absence of availability of such material, the accused cannot be compelled to face trial for the offence punishable under Section 306 of the Indian Penal Code. As has been held by Their Lordships of the Apex Court that abetment involves mental process of instigating a person or intentionally aiding a person in doing of a thing and without a positive act on the part of the accused in aiding or instigating or abetting the deceased to commit suicide, the said persons cannot be compelled to face the trial. Unless there is clear mens rea to commit an offence or active act or direct act, which led the deceased to commit suicide seeing no option or the act intending to push the deceased into such a position, the trial against the accused under Section 306 of the Indian Penal Code, in our considered view, would be an abuse of process of law.”

36. It is also observed by the Hon'ble Apex Court in case of *Abhinav Mohan Delkar V/s. State of Maharashtra and others* reported in **2025 SCC OnLine SC 1725** of which paragraph Nos.22, 23 and 40 read as under:-

“22. What comes out essentially from the various decisions herein before cited is that, even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one’s life. Figuratively, ‘the straw that broke the camel’s back’; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.

23. The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306.

40. True, a person unable to bear the pressure or withstand a humiliation or unable to oppose, may succumb to the extreme act of ending his own life, in desperation; but that would not necessarily

mean that the alleged perpetrator had an intention to lead the victim to eventual death by his own or her own hands. We find no such instigation on the part of the accused in this case, or a definitive abetment to suicide, as alleged in the FIR. There arises a cloud on the suicide note, when looking at the admitted statements recorded in the proceedings of the Committee of Privileges and also the manner in which the note was introduced in the case. Before the Committee of Privileges, no reference was made to the various allegations in the suicide note, against the named officers. We have found the suicide note to be suspect and we are not convinced that there is any modicum of material in the case to find abetment of suicide. The High Court was not in error, when it quashed the FIR, when no case is made out from the FIS.”

37. After considering the legal provisions, I would like to go through the statements made by the witnesses.

38. On perusal of statement of husband of deceased it appears that she called him before committing suicide and asked him to come fast as she wanted to see him for the last time. It shows that she was depressed and had made up her mind to end her life. In his statement, he has narrated the allegations made against the applicant in her suicidal note written to her officer about the harassment by the applicant at the work place. From the suicide letter written to her husband by the deceased, it appears that the reason for her suicide was that she was not disappointed or was not disturbed because of any family problem or any other problem. She has stated about the torture at work place at the hands of applicant.

39. In statement of labour Surtya Bhilve he has narrated that the applicant used to insult the deceased in their presence and the fact that once

she had cried for the same. Other allegations about calling her to meet at odd hours is not mentioned by this witness.

40. Statement of witness Kaushalya Dhakane is important. She is a Forest Guard. She has specifically stated that the applicant never behaved in an incandescent manner with her or deceased and deceased never informed her about it. From the statement of this witness, it reveals that the applicant scolded the deceased while performing official duties and for not observing protocol as the Driver of the deceased had parked his car in front of the car of the applicant and, therefore, as the Driver has not maintained protocol, the applicant scolded her and abused her in front of the Driver.

41. The statement of Pushpa Jagtap shows that the applicant is of high temperament and was not behaving properly with the persons who are working under him, therefore, Mr. Reddy advised him to join meditation or course of art of living to control his temperament. She has stated that deceased has not told anything against applicant to her. But, from the statement of this witness, it appears that as the applicant used to behave in such a rude manner with the subordinates, after receiving complaints, Mr. Reddy had given him advise for the meditation.

42. Statement of Sunil Bethekar, the Driver of the deceased, shows that on the date of incident he took mother of deceased to Satara and he was on the way when the deceased informed him about committing suicide and having revolver in her hand. She wanted to commit said act in presence of this witness and her mother. She had asked him to call her on video call but as there was no range he could not call and thereafter when he called her, there

was no response. This witness has also stated about the harassment at the hands of applicant to the deceased when she was working with him. For many times, the applicant insulted her in presence of this witness.

43. In statement of one Kishor Lokhande, the Clerk in the office, has stated about insulting treatment given to him by the applicant and due to his harassment, this witness was also about to take V.R.S. but deceased pacified him. This witness has narrated about miscarriage of the deceased and he himself had took her to the hospital and at that time also the deceased was blaming that because of the applicant, as he asked the deceased to walk on a muddy road for about 5 to 6 kilometers, there was miscarriage. She blamed the applicant for her miscarriage and it is reflected from the statement of this witness.

44. No doubt, the words uttered on the spur of the moment or any other quarrel without something more i.e. an overt act cannot be presumed to have been uttered with mens rea. The onus is on the prosecution to show the circumstances which compelled the deceased to take an extreme step to bring an end to her life.

45. In the present case, apart from three suicide notes, the statements are recorded by the police during the course of investigation, which tend to show that on account of harassment at the hands of the applicant, the deceased committed suicide. One of the witness Kishor Lokhande has prepared his mind to take V.R.S. The deceased was put under tremendous pressure of work. *Prima facie* it appears that the conduct of the applicant with

deceased had left the deceased with no other option but to end her life and, therefore, Section 107 of the Indian Penal Code is attracted.

46. Learned A.P.P. has relied on the judgment of the Hon'ble Apex Court in case of *Chitresh Kumar Chopra V/s. State (Govt. of NCT of Delhi)* reported in **AIR 2010 SCW 1446** to support the contention that apart from suicide note the statement of the witnesses shows the involvement of the applicant. It is observed by the Hon'ble Apex Court in the case of *Praveen Pradhan V/s. State of Uttaranchal and another* reported in **(2012) 9 SCC 734** of which paragraph 18 reads as under:

“18. In fact, from the above discussion it is apparent that instigation has to be gathered from the circumstances of a particular case. No straitjacket formula can be laid down to find out as to whether in a particular case there has been instigation which forced the person to commit suicide. In a particular case, there may not be direct evidence in regard to instigation which may have direct nexus to suicide. Therefore, in such a case, an inference has to be drawn from the circumstances and it is to be determined whether circumstances had been such which in fact had created the situation that a person felt totally frustrated and committed suicide. More so, while dealing with an application for quashing of the proceedings, a court cannot form a firm opinion, rather a tentative view that would evoke the presumption referred to under Section 228 Cr.PC.”

47. In the present case, the alleged harassment had not been in a casual manner, rather a matter of persistent harassment. The deceased suffered persistent harassment and humiliation at the hands of the applicant.

48. Reliance is placed by the learned A.P.P. on the observations made in paragraph No.14 in the case of *State of Madhya Pradesh V/s. Deepak* reported in **AIR 2019 SC 5604** which read as under:

“14. It is of relevance to refer to certain judgments of this Court. In Chitresh Kumar Chopra v. State (NCT of Delhi), the appellant and two other individuals were charged under Section 306 read with Section 34 of the Penal Code. It had been alleged that the appellant and the other accused persons had forcibly compelled the deceased to sign a settlement giving up a part of his share in the profits from the sale of certain land. This led to a dispute and as a result of the mental harassment suffered by the deceased, he committed suicide. The Court affirmed the framing of charges by the trial court. The two-judge Bench of this Court laid down the ingredients of the offence of abetment of suicide. Justice D K Jain held thus:

19. As observed in Ramesh Kumar [(2001) 9 SCC 618 : 2002 SCC (Cri) 1088 : (AIR 2001 SC 3837), where the accused by his acts or by a continued course of conduct creates such circumstances that the deceased was left with no other option except to commit suicide, an “instigation” may be inferred. In other words, in order to prove that the accused abetted commission of suicide by a person, it has to be established that:

(i) the accused kept on irritating or annoying the deceased by words, deeds or willful omission or conduct which may even be a willful silence until the deceased reacted or pushed or forced the deceased by his deeds, words or willful omission or conduct to make the deceased move forward more quickly in a forward direction; and

(ii) that the accused had the intention to provoke, urge or encourage the deceased to commit suicide while acting in the manner noted above. Undoubtedly, presence of mens rea is the necessary concomitant of instigation.”

(Emphasis supplied)

After due consideration of the facts and circumstances, the Court noted that prima facie, the offence of abetment of suicide was made out:

22. In the present case, apart from the suicide note, extracted above, statements recorded by the police during the course of investigation, tend to show that on account of business transactions

with the accused, including the appellant herein, the deceased was put under tremendous pressure to do something which he was perhaps not willing to do. Prima facie, it appears that the conduct of the appellant and his accomplices was such that the deceased was left with no other option except to end his life and therefore, clause Firstly of Section 107 IPC was attracted.

(Emphasis supplied)

It was also noted that at the stage of framing of charges, the Court has to consider the material only with a view to find out if there is a ground for “presuming” that the accused had committed the offence: “25. It is trite that at the stage of framing of charge, the court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, taken at their face value, disclose the existence of all the ingredients constituting the alleged offence or offences. For this limited purpose, the court may sift the evidence as it cannot be expected even at the initial stage to accept as gospel truth all that the prosecution states. At this stage, the court has to consider the material only with a view to find out if there is ground for “presuming” that the accused has committed an offence and not for the purpose of arriving at the conclusion that it is not likely to lead to a conviction.”

49. It is observed by the Hon’ble Apex Court in case of State of Maharashtra V/s Som Nath Thapa and others reported in (1996) 4 SCC 659 while considering the case of discharge that at the stage of framing of charge, the Court has to apply its mind to the question whether or not there is any ground for presuming the commission of the offence by the accused. As framing of charge affects a person’s liberty substantially, need for proper consideration of material warranting such order as emphasized. The Court has placed reliance on Stri Atyachar Virodhi Parishad V/s. Dilip Nathumal Chordia reported in (1989) 1 SCC 715 and observed that the Court has to see while considering the question of framing of charge as to whether the material brought on record would reasonably connect the accused with crime. No more is required to be enquired into.

50. In *R.S. Nayak V/s. A.R. Antulay* reported in (1986) 2 SCC 716, the Court has observed that a better and clearer statement of law would be that if there is ground for presuming that the accused has committed the offence, a Court can justifiably say that a *prima facie* case against the accused exists and shall frame a charge against him for committing the offence.

Paragraph Nos.31 and 32 of said judgment read as under:

“31. Let us note the meaning of the word 'presume'. In Black's Law Dictionary it has been defined to mean 'to believe or accept upon probable evidence'. (Emphasis ours). In Shorter Oxford English Dictionary it has been mentioned that in law 'presume' means 'to take as proved until evidence to the contrary is forthcoming', Stroud's Legal Dictionary has quoted in this context a certain judgment according to which 'A presumption is a probable consequence drawn from facts (either certain or proved by direct testimony) as to the truth of a fact alleged.' (Emphasis supplied). In Law Lexicon by P. Ramanath Aiyer the same quotation finds place at page 1007 of 1987 Edn.

32. The aforesaid shows that if on the basis of materials on record, a court could come to the conclusion that commission of the offence is a probable consequence, a case for framing of charge exists. To put it differently, if the court were to think that the accused might have committed the offence it can frame the charge, though for conviction the conclusion is required to be that the accused has committed the offence. It is apparent that at the stage of framing of charge, probative value of the materials on record cannot be gone into; the materials brought on record by the prosecution has to be accepted as true at that stage.....”

51. After considering the statement of witnesses, it appears that the deceased was harassed or tortured by the applicant. She must be high-sensitive. From the statement of Kishor Lokhande it is seen that he has also suffered the harassment at the hands of applicant and was about to take V.R.S.

Mr. Reddy had given advise to the applicant to have meditation and course of art of living, which shows level of his torture and high temperament. It appears from the statement of witnesses that subordinate officials were tolerating the harassments of the applicant. The deceased was tired of his harassment. Instead of protecting the subordinate officer, especially when she informed about threats by the villagers while removing encroachment to register the case of atrocity, the applicant also gave her threats of keeping her in lock-up. The deceased was depressed because of the treatment given by the applicant. There was no other reason for her to commit suicide.

52. About the immediate nexus, the learned Senior Advocate for the applicant has stated that mens rea and immediate nexus was not there. But collective harassment since years, which the deceased has tolerated, was in her mind, and because of the applicant there was miscarriage and the harassment was continued till her death. It is a cumulative effect of the continued harassment by the applicant, which shows that it was beyond her tolerance.

53. For the aforesaid reasons, at this stage, without appreciating the evidence of the witnesses, who have specifically stated about the harassment, it is not proper to discharge the applicant. Hence the revision application stands dismissed.

(MRS. VRUSHALI V. JOSHI, J.)