IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.210 OF 2026

Balaji Kishanrao Patil.

...Applicant/accused No.6

-VERSUS-

The State of Maharashtra.

...Respondent

…

Shri Shivanand Tekawad, Advocate for the applicant.

Mrs. Bharati B. Gunjal, APP for the respondent/ State.

…

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 07 October 2026

Per Court :-

1. The applicant is challenging the impugned order dated 13.05.2026 passed by the learned Additional Sessions Judge-3, Nanded, on an application exhibit 16 in Sessions Case No.29/2025, whereby the said application preferred by the applicant for discharge came to be rejected.

2. The learned Advocate appearing for the applicant has taken this Court through the entire charge-sheet, including the First Information Report (FIR). The FIR has been lodged by

the widow of the deceased (Sunil), who had committed suicide on 13.05.2023. The deceased had left a suicide note wherein he refers to two persons, namely, Shivaji Lakade and Pundlik Deshmukh, and states that they are from Chikhali and that they have not repaid his amount and have caused him a lot of trouble. He has further stated that they shall be responsible for his death. There is also photograph seized from the mobile phone of the deceased, wherein the following message is written: "श्री बी. के. पाटील यांनी धमकी दिली आहे. मला पैसे दे, नाहीतर मरून जा, असे म्हणू लागले. मग मी काय करणार? म्हणजे माझ्याजवळ पैसे नाहीत, तर मरणार, असे ठरवले आहे. मला पैसे मिळाले नाहीत म्हणून मरण्याचा विचार घेतला आहे." It is stated that B. K. Patil is the present applicant.

3. The FIR has been registered against six accused persons, including the present applicant (B.K. Patil), who is accused No.1. Accused No. 2 Shivaji Lakade, accused No. 3 Pundlik Deshmukh, accused No. 4 Shantanu Deshkukh, accused No.5 Sai and accused No.6 Buthala Sir. Accused No.3 Pundalik Marotrao Ingole (Deshmukh) and accused No.2 (Shivaji Madhavrao Lakade) have already been granted relief by this Court in the proceedings under Section 482 of the Code of

Criminal Procedure, namely, Criminal Application No.2500/2023 decided vide order dated 07.08.2025, whereby the FIR and the criminal proceedings arising therefrom were quashed against them. So also, the FIR is also quashed and set aside as against accused No.5 (Saiprasad @ Sai Tukaram Sontakke) by this Court vide order dated 21.04.2025 in Criminal Application No.2256/2023.

4. The learned counsel for the applicant submits that the role attributed to the present applicant is no more incriminating than that attributed to the other accused persons against whom the FIR and criminal proceedings have already been quashed by this Court. In order to substantiate his submission, the learned counsel has taken this Court through the relevant portions of the suicide note and the message contained in the photograph, which is sought to be relied upon by the prosecution against the applicant. The message concerning the other accused persons discloses that they had taken money from the deceased and were not repaying the said amount. Therefore, the deceased used to demand repayment of his money from the said co-accused persons. However, they did not repay the

amount, as a result of which, the deceased was allegedly subjected to harassment by them. In the suicide note, the deceased has also stated that those persons were responsible for his death. However, insofar as the message concerning the present applicant, as found in the photograph of a chit, is concerned, it is stated that the present applicant had given certain amount to the deceased and that the applicant used to demand repayment of the amount from him. If both the messages are compared, it is apparent that, in the message concerning the co-accused persons, the deceased has stated that they were responsible for his taking the extreme step. However, in the message concerning the present applicant, which is sought to be relied upon by the prosecution, there is no such specific statement. What is stated is that the applicant used to demand repayment of his money. There is also reference to the applicant having told the deceased to die if he was unable to repay the amount.

5. Thus, according to the learned counsel for the applicant, the accused persons cannot be treated differently when the allegation against them is that they had harassed the

deceased. The co-accused persons, who allegedly did not repay the loan amount taken from the deceased, were also alleged to have caused harassment to him. The demand made by the applicant for repayment of the amount advanced by him to the deceased is, according to the learned counsel, a natural course of conduct. However, the deceased has not stated in either of the two messages that the present applicant would be responsible for his death.

6. The learned counsel has also relied upon the judgments of the Hon'ble Supreme Court referred to by the learned Sessions Judge in paragraph 7.12 of the impugned order. In those judgments, the Hon'ble Supreme Court has observed that, in order to establish an offence under Section 306 of the Indian Penal Code, the prosecution is required to establish the necessary ingredients of abetment. The learned counsel, therefore, prayed for allowing the revision application.

7. On the other hand, the learned APP has strongly opposed the revision application. According to the learned APP, the prosecution has brought on record sufficient material to proceed against the applicant. Considering the available record,

this is not a fit case to discharge the applicant.

8. After hearing the learned advocates for the respective parties, I have perused the record with their assistance. It would be apposite to refer to the recent judgment of the Hon'ble Supreme Court, in ***Mahendra Awase v. State of Madhya Pradesh, reported as 2025 INSC 76***, wherein, the Hon'ble Supreme Court has considered the principles governing the offence of abetment of suicide and has reiterated the necessity of examining whether, the ingredients of the offence are made out from the material on record. In ***M. Mohan v. State represented by the Deputy Superintendent of Police, reported in (2011) 3 SCC 626***, the Hon'ble Supreme Court observed that, in a case of abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Mere allegations of harassment, without any positive action on the part of the accused having proximate connection with the occurrence and which led or compelled the deceased to commit suicide, would not be sufficient to sustain a conviction under Section 306 of the Indian Penal Code.

9. In ***Sanju alias Sanjay Singh Sengar v. State of***

Madhya Pradesh, reported in (2002) 5 SCC 371 : AIR 2002 SC 1998, the Hon'ble Supreme Court observed that, where the ingredients of abetment are absent, the prosecution for an offence under Section 306 of the Indian Penal Code cannot be sustained. The Court considered the definition of abetment under Section 107 of the Indian Penal Code and held that a mere allegation of harassment would not, by itself, be sufficient to sustain a charge under Section 306 of the Indian Penal Code. Similarly, in *Ramesh Kumar v. State of Chhattisgarh, reported in (2001) 9 SCC 618 : AIR 2001 SC 3837*, the Hon'ble Supreme Court observed that words uttered in a fit of anger or emotion, without intending the consequences to actually follow, cannot necessarily be construed as instigation. The Hon'ble Supreme Court further observed that, where the deceased was hypersensitive to ordinary petulance, discord and differences in life, the Court must carefully examine whether the alleged conduct was such as would induce a similarly circumstanced person to commit suicide.

10. In the light of the aforesaid principles, this Court is of the opinion that the learned Sessions Judge has not properly

appreciated the guidelines laid down by the Hon'ble Supreme Court in the judgments referred to in paragraph 7.12 of the impugned order. In this case, on careful perusal of the charge-sheet, it appears that the material against the present applicant does not prima facie establish the necessary ingredients of the offence punishable under Section 306 of the Indian Penal Code. The allegation that the applicant told the deceased to die if he could not repay the amount must, however, be assessed in the context of the complete material on record, including the circumstances, timing and context in which the alleged words were uttered. The learned advocate for the applicant has, therefore, rightly pointed out from record that in the teeth of evidence available, it would be an abuse of process of law if the applicant is asked to face the trial.

11. In view of the aforesaid legal position and above discussion, this Court is of the opinion that the present applicant deserves the benefit of parity with the other accused persons in whose favour this Court has already passed an order quashing the FIR and the criminal proceedings. Hence, Criminal Revision Application is allowed. The proceedings in Sessions Case

No.29/2025 pending before learned Additional Sessions Judge, Nanded arising out of First Information Report vide Crime No.169/2023 dated 16.05.2023 registered with Vimantal Police Station, Nanded, for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860, stand quashed and set aside as against the present applicant.

kps (SUSHIL M. GHODESWAR, J.)