2026:BHC-AUG:54283

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 319 OF 2013

The State of Maharashtra.
Through Police Station Aundha [Nagnath],
Taluka Aundha, District Hingoli. … Appellant

Versus

1. Bapurao s/o Balasaheb Lonsane,
Age 22 years, Occupation Agriculture,
R/o Pota [Bk], Taluka Aundha [N],
District Hingoli.

2. Balasaheb s/o Bapurao Lonsane,
Age 60 years, Occupation Agriculture,
R/o Pota [Bk], Taluka Aundha [N],
District Hingoli.

3. Sou. Kantabai w/o Balasaheb Lonsane,
Age 45 years, Occupation Household,
R/o Pota [Bk], Taluka Aundha [N],
District Hingoli. … Respondents
[Ori. Accused]

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Mr. G. O. Wattamwar, APP for the Appellant-State.
Mr. B. N. Magar, Advocate for Respondent Nos. 1 to 3.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 02.11.2026
Pronounced on : 04.11.2026

JUDGMENT :

1. Being aggrieved and dissatisfied by the judgment and order passed by learned Additional Sessions Judge, Basmath, dated 08.10.2012 in Sessions Trial No. 21 of 2009, acquitting the

respondents herein from charges under Sections 498-A, 306 r/w 34 of IPC, the State has preferred instant appeal.

FACTS IN BRIEF

2. Before trial court, present respondents faced trial on accusations that, after one and half months of marriage, deceased Parvatibai was maltreated by husband and in-laws in the backdrop of demand of Rs.50,000/- for setting up grocery shop. On account of failure to satisfy the demand, there was beating and abuses. Accused persons used to inflict burns and even rub some itching powder and thereby ill-treated her. When Parvatibai came on 07.01.2008, she disclosed above ill-treatment. On 19.01.2008, getting fed up of the demand and ill-treatment, Parvatibai jumped in the river and committed suicide. On report of father PW3 Exhibit 19, FIR was registered and crime was duly investigated. Accused husband and parents-in-law were chargesheeted and tried for offence under Sections 498-A, 306 r/w 34 of IPC. Trial ended up in acquittal. Hence instant appeal by the State.

SUBMISSIONS

On behalf of the Appellant-State :

3. Learned APP, while criticizing the judgment, would submit that, barely after one and half months of marriage, accused persons put up

demand of Rs.50.000/- for starting grocery business. For fulfillment of said demand, husband and parents-in-law of Parvatibai subjected her to ill-treatment. She was beaten and abused. There were burns inflicted to her by use of burning fuel wood. That, itching powder was also rubbed on her. That, such ill-treatment was narrated by her when she came home. That, father and brother are consistent about such cruelty and harassment. That, their evidence has remained unshaken in the cross and therefore, learned trial court ought to have accepted their testimonies, but without assigning sound reasons, their testimonies are disbelieved and discarded.

4. Learned APP pointed out that, only because of the harassment, deceased went to the river and jumped therein. That, her footwear were kept on the banks of the river. According to him, had it been accidental, as is tried to be put forth, deceased would not have removed her slippers. Such aspects are not appreciated by learned trial court. According to him, accused husband and in-laws are solely responsible for the suicidal jumping and therefore they deserve to be held guilty. According to him, there is incorrect appreciation of evidence resulting into acquittal, and thereby he prays to interfere by allowing the appeal.

On behalf of the Respondents-Accused :

5. At the outset, learned counsel for the respondents would point out that, respondent no.2 father-in-law Balasaheb has died during pendency of appeal and his death certificate is also tendered across the bar reflecting his date of death as 24.03.2020. The same is taken on record and marked “X” for identification. As such, appeal stands abetted against him.

6. So far as accused nos. 1 and 3 are concerned, while supporting the judgment of acquittal, learned counsel for respondents-accused would point out that, prosecution miserably failed to prove the charge of 498-A as well as 306 of IPC. He pointed out that, there is no independent, reliable evidence. That, only interested witnesses, who are close family members, have been examined. Moreover, they have hearsay information. He pointed out that, initially missing was lodged, but at that time no suspicion was raised. After two days, at the behest of relatives and villagers, there is implication. He further pointed out that, even testimonies of witnesses are full of material omissions and moreover, allegations are vague. As regards to allegation of inflicting burns is concerned, it is submitted that, the autopsy surgeon PW5 has admitted that the scars were old and as such, cannot be connected with the allegations.

7. Learned counsel submitted that, in order to bring home the charge of Section 306 IPC, it was expected of prosecution to demonstrate live link about demand, ill-treatment and alleged suicide. He pointed out that, prosecution story as well as circumstances go to show that it was accidental fall when deceased had been to answer call of nature. That, there is no *mens rea* so as to abet or induce suicide.

8. In answer to the submission of learned APP regarding application of Section 113-A of Indian Evidence Act, he submitted that, when the very foundational facts are not proved by prosecution, the said provision cannot be brought into play and was rightly done so by learned trial court. For all above reasons, he justifies the acquittal and prays to dismiss the appeal for want of merits.

9. Learned counsel for the respondents places reliance on the rulings of ***Chandrappa and Others v. State of Karnataka*** (2007) 4 SCC 415, ***Ramesh and Another v. State of Karnataka*** (2024) 9 SCC 169, ***M. Mohan v. State Represented by the Deputy Superintendent of Police*** (2011) 3 SCC 626, ***Sanju alias Sanjay Singh Sengar v. State of M.P.*** (2002) 5 SCC 371 and ***Girdhar Shankar Tawade v. State of Maharashtra*** (2002) 5 SCC 177.

EVIDENCE BEFORE THE TRIAL COURT

10. In the light of above submissions and counter submissions, evidence on record is re-examined. Case of prosecution in trial court is rested on the testimony of as many as 6 witnesses i.e. PW1 carrier, PW2 brother, PW3 informant father, PW4 sister-in-law, PW5 autopsy surgeon and PW6 Investigating Officer.

Charge of Section 498-A IPC :

11. Brief account of the evidence of family members i.e. PW2 brother, PW3 father and PW4 sister-in-law is reproduced herewith for ready reference.

12. **PW2** brother in his evidence at Exhibit 14 stated that, his sister was treated properly for one and half months and thereafter, husband and in-laws demanded Rs.50,000/- for establishing grocery shop and they used to harass her and beat her time to time and kept her starved. On 05.01.2008, when she came for a function, she told about mother-in-law inflicting burns and applying itching powder. However, while under cross, he has admitted that his sister did not disclose the day, date, month when she was subjected to cruelty. In para 10, omission is brought that on 05.01.2008, his sister came to their house and narrated the harassment and cruelty meted out to her.

13. **PW3** father, in his evidence at Exhibit 18, deposed that for establishing grocery shop, her husband and in-laws asked her to bring Rs.50,000/- and she was also asked to gift clothes and honour her husband. This is not stated by brother PW2. This witness-father attributes omnibus allegations of inflicting burns by burning wood and not to mother-in-law, as stated by PW2.

14. Likewise, even sister-in-law **PW4** attributes omnibus allegations of demand of Rs.50,000/-. According to her, when deceased was brought to the house after Diwali, she narrated about the ill-treatment to be aggravated and she being beaten by burning wood. Even she does not attribute such act to mother-in-law alone, which brother has attributed. In para 6 of her cross, there is omission that, deceased came for a family function and stated about demand and ill-treatment and that, after Diwali, Parvatibai came and narrated about increase in ill-treatment.

15. Therefore, as pointed out by learned counsel for the respondents, on the point of cruelty and ill-treatment, witnesses, i.e. brother, father and sister-in-law are not consistent. General allegations are levelled against all three accused. As pointed out, there is no evidence to connect the burn marks as they are old and

healed. What Section 498-A contemplates is continuous ill-treatment in the backdrop of demand. This requirement is patently missing. Witnesses are not specifying the day or date when ill-treatment was inflicted, regarding which they admit in cross, and by which of the accused, and in what form. Hence, the charge of Section 498-A IPC is not made out by prosecution.

Charge of Section 306 IPC :

16. Here, deceased died due to drowning. According to prosecution, only because of the ill-treatment at the hands of accused persons, deceased ended up her life by jumping in the river. **PW2** brother claims that, on 17.01.2008, telephonic message was received from accused husband that deceased was missing since morning and therefore she was searched, but again shortly message was received that, her dead body was floating in Purna river bed. Thus, according to brother, his sister committed suicide due to harassment and cruelty meted out by the accused. While under cross, he admitted that, accused accompanied them for search of deceased. Even on the next day when search was taken, husband was with them but Parvatibai could not be found and therefore, husband himself lodged missing report. He claims that in the evening he suspected something wrong and therefore he made mere oral complaint to Police Patil but did not

lodge report with police. He also admitted that when inquest was drawn, information was not passed to police about cruelty or harassment. He candidly admitted that their relatives, who were present at the time of cremation, suggested lodging report and so his father lodged report.

17. **PW3** father in para 2 stated that deceased was reached to her matrimonial house on 07.01.2008 and when she came for lunch programme, she informed about ill-treatment and cruelty to his wife and uncle. Apparently, thus, this witness has no personal information and it is hearsay. Though he stated that deceased committed suicide due to cruelty at the hands of all accused, he has also admitted that, husband informed initially about missing and he and all relatives went in her search of deceased and stayed at village Pota overnight and again searched next day. Apparently, during search itself, there is no reporting about ill-treatment or cruelty.

18. **PW4** sister-in-law though stated that Parvatibai committed suicide because of ill-treatment, as stated above, her evidence is full of material omissions.

19. For attracting charge of Section 306, it is incumbent upon prosecution to demonstrate and substantiate that accused firstly had

mens rea and that they instigated or abetted the suicide by playing positive role in the alleged suicide. However, unfortunately, prosecution evidence is missing on such count. Rather, there is evidence that deceased had been to river to answer the call of nature. Her footwear along with the water container were found on the river banks. Therefore there is possibility of victim having accidental fall. Even otherwise, there is nothing to show that during such period, there was demand followed by ill-treatment and it to be of such nature that, deceased was left with no other alternative but to end up her life. Consequently, on the point of abetment to commit suicide also, there is little or weak evidence. Hence, this charge also fails.

20. Perused the judgment under challenge. There is no illegality or perversity so as to interfere. The view taken by learned trial court is the plausible view that could emerge even on re-appreciation of evidence. There being no merits in the appeal, the following order is passed :

ORDER

The Criminal Appeal is dismissed.

[ABHAY S. WAGHWASE, J.]

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