



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 30 OF 2025

. Bhimrao S/o Arjun Shekade
Aged : 46 years, Occu.: Agri.
R/o. Patsara, Tq.Ashti, Dist.Beed.Applicant

Versus

1. The State of Maharashtra
Through Police Station Officer,
Police Station Amalner,
District Beed.
2. Sushil W/o Gopinath Garje
Age: 21 years, Occu.: Service,
R/o. : Patsara, Tq.Ashti,
District Beed.Respondents

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Advocate for Applicant : Mr. Nisargraj B. Garje
APP for Respondent no.1 : Mrs.Saie Swapnil Joshi
Advocate for Respondent no.2 : Mr. Sandip Ramnath Andhale

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CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 05 MARCH, 2026
PRONOUNCED ON : 07 MARCH, 2026**

JUDGMENT :

1. Revisionist takes exception to judgment and order dated 01-01-2025 passed on application exh.27 in Sessions Case No.94 of 2022 by which discharge application filed under Section 227 of the Code of Criminal Procedure has been rejected by learned Additional Sessions Judge, Beed.

2. In consequence to report of one Sushil Gopinath Garje dated 11-10-2021, Amalner Police Station, District Beed, registered Crime No.213 of 2021 for offence under Sections 306 read with 34 of the Indian Penal Code (IPC) on allegation of abetment to commit suicide by informant's father namely Gopinath by consuming insecticide. Allegations were that, in the backdrop of quarrel taking place on 04-10-2021 on account of digging well, threats were issued by accused persons named in the FIR and deceased consumed insecticide under mental stress and tension. Resultantly, on said report, above crime is registered against in all five persons including revision petitioner.

3. Learned counsel for revision petitioner would point out that there is false implication. According to him, by no stretch of imagination, alleged occurrence of previous day would amount to abetment to commit suicide. He pointed out that, in fact there was non-cognizable case reported by revisions petitioner's son with police machinery and as such, recourse to law was taken. That, general and vague allegations are made about issuing life threats and raising quarrels.

4. He next submitted that, investigation was completed but nothing incriminating has surfaced in the same. On the contrary, there was said to be suicide note, but it was recovered and handed over two days after FIR rendering doubt about its authenticity and credibility.

5. He further pointed out that, in fact five persons are named in the FIR and this Court was pleased to quash proceedings against four of them by order dated 23-11-2022. It is pointed out that, at that time, present revision petitioner had withdrawn said application on his own accord. However, he invited attention of this Court to the observations made in the above order, more particularly, paragraph nos.11, 12 and 15. Consequently, in the light of above, it is his submission that there is no incriminating material to face trial and hence, finding fault in the impugned order passed by learned trial court, he prays to allow revision.

6. In answer to above, both learned APP as well as learned counsel for complainant would point out that present revision petitioner had initially instituted proceedings for quashment, but has withdrawn and no liberty was sought to move for discharge.

Therefore, very discharge application was not maintainable. They further pointed out that, accused persons are direct cause of suicide by father of informant. That, there was no other reason. According to him, there were series of instances of threats and only because of the same, suicide has been committed by father of the informant. Moreover, according to them, there is suicide note and report of handwriting expert is awaited. Therefore, they justify the order of rejection by learned trial court and urged for similar treatment.

7. Heard. Perused the papers.

8. Present application being discharge application, before advertng to merits of the case, it would be just and proper to spell out settled legal position while considering discharge application under Sections 227 and 228 of the Cr.P.C. It is fairly settled position that, at such stage, Court dealing with such application is merely expected to determine existence of *prima facie* material for proceeding to frame charge and make accused persons face trial. Material gathered during investigation is expected to be sifted with limited purpose to find out whether there are sufficient grounds to proceed against accused. Neither in-depth analysis nor meticulous

analysis of evidence is expected at such stage. Thus, the only duty of Court is to ascertain whether there is *prima facie* material suggesting existence of essential ingredients for the offences, which are alleged to be committed.

Above position has been time and again reiterated since the cases of State of Bihar v/s Ramesh Singh (1977) 4 SCC 39; Union of India v. Prafulla Kumar Samal and Another (1979) 3 SCC 4, and a decade back in the cases of Sajjan Kumar v. Central Bureau of Investigation (2010) 9 SCC 368; Amit Kapoor v. Ramesh Chander and another (2012) 9 SCC 460; State of Tamil Nadu (By Inspector of Police Vigilance and Anti-Corruption) v. N.Suresh Rajan and Others. (2014) 11 SCC 709; Asim Shariff v. National Investigation Agency (2019) 7 SCC 148; and Ram Prakash Chadha v. State of Uttar Pradesh (2024) 10 SCC 651.

9. Sifted the chargesheet with limited purpose. FIR dated 11-10-2021 seems to be at the instance of one Sushil Gopinath Garje and substance of the FIR is that, informant resides at Pune whereas his parents reside at native village Patsara. According to him, in said village, they have 11 acres land, which has a ridge which divides land of neighbour Bhimrao Arjun Shekade (revision petitioner). That,

since 2-3 years, there were quarrels on account of digging of well in the field. According to informant, his father had requested Bhimrao Arjun Shekade (revision petitioner), Ankush Mahadeo Garje, Balaji @ Balu Bhimrao Shekade, Bhagwat Ginyandeo Garje and Ankush Ginyandeo Garje for taking *Kharip* crop aside and those persons had issued life threats and quarreled with his father. Informant's father had reported him said incidence on telephone and he used to give understanding to his father. On similar count, there was quarrel with above named persons in the evening of 04-10-2021 during which accused persons had visited house of his father and issued life threats. Even this incident was reported to him on telephone. On 05-10-2021, informant claims to have come to his native and further claims to have learnt from his father about complaint filed by Balaji Bhimrao Shekade at Police Station. Upon which, informant again claims to have given understanding to his father. On 06-10-2021, when he and accused persons went to resolve the dispute at Police Station, Amalner and at that time, his father was in the house. According to informant, because of the quarrel, his father was in tension. That, when Bhimrao Shekade refused to resolve the dispute and went away, he came back home from Police Station. That time he found his father lying in the doors and according to him, his

father consumed Rogor insecticide kept on the tin roof. That time his mother was in the field and father was alone and therefore, he passed information to Ambadas Garje and thereafter, shifted his father to hospital.

10. Thus, occurrence dated 04-10-2021 and 5-10-2021 involving quarrel between deceased and accused, alleged consumption is of 06-10-2021. From the report itself, it is emerging that deceased committed suicide while he was alone at native village namely Patsara. In fact the revision petitioner against whom allegations are levelled was in the very company of informant at Amalner Police Station which is miles away. There is nothing to show that accused had come in contact with deceased till evening of 06-10-2021.

11. Law is fairly settled as regards the applicability of Section 306 of the IPC is concerned. Time and again, in umpteen judgments, Hon'ble Apex Court as well as this Court has reiterated that, apart from inducement, direct instigation, active participation, there has to be *mens rea* also. The proximate trigger which led to suicide is also time and again clarified while dealing with above provision.

Few cases that could be named are, *Ramesh Kumar v. State of*

Chhattisgarh (2001) 9 SCC 618, *S. S. Chheena v. Vijay Kumar Mahajan and Others* (2010) 12 SCC 190 as well as *M. Mohan v. The State represented by The Deputy Superintendent of Police* MANU/SC/0161/2011, wherein standard of “instigation” is elaborately dealt and discussed.

Even, recently in the case of *Abhinav Mohan Delkar v. State of Maharashtra and others*, MANU/SC/1103/2025, the Hon’ble Apex Court has reinforced “proximate trigger” doctrine emphasizing that there has to be close temporal and casual connection between the conduct of accused and the alleged suicide. Continuous harassment, without recent instigation, is held to be not sufficient to sustain the charge.

12. Here, keeping the above settled law in mind and contents of report on the basis of which complaint is lodged, it is noticed that sweeping allegations are made against five persons including revision petitioner for issuing life threats. On the other hand, there seems to be NC at the instance of son of one of the accused with Police Station on 05-10-2021 i.e. a day earlier to the incident. Suicide is committed on evening of next date i.e. on 06-10-2021. When neither revision revision petitioner nor other accused are directly in touch with

deceased so as to hold abetment, inducement or instigation, it would be unjust and improper to connect them to the alleged consumption. What informant is precisely alleging that, because of previous quarrels and threats, his father was under tension. Moreover, accused persons themselves seem to have taken recourse to law enforcing agencies one day prior to alleged suicide. In proximity to said consumption, accused are no were around to deceased nor have met deceased on the said day so as to connect them.

13. Apart form statements of witnesses, investigating machinery seems to have laid hands on suicide note, but as pointed out, it is shown to be recovered and seized after one day of FIR. This Court is in receipt of report from Analyzer vide communication dated 02-01-2025 annexing the very opinion of handwriting expert and he has opined on 02-01-2025 that, *"It has not been possible to express any definite opinion as regards to the identity or otherwise of the enclosed writing marked as Exh.Q-1 in comparison with the enclosed writings, marked as Exs.N-1 to N-17, for sufficient individual identifying characteristics for comparison"*. Therefore, even said piece of incriminating evidence as per prosecution, is of no avail to it.

14. Learned counsel for informant sought reliance on judgment of the Hon'ble Apex Court in the case *Amit Kapoor v. Ramesh Chander 2012 (9) SCC 460* and Another, which is on the legal landscape on the point of scope of revision, framing of charges, discharge, and scope of 482 and there is no dispute over said legal position.

As regards to second ruling of *Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi)*, facts being distinct is of no avail to the complainant.

15. To sum up, here, essential ingredients of abetment to commit suicide are patently missing. Out of five accused, four have already succeeded in getting FIR as well as chargesheet quashed against them. For said reasons, revisionist succeeds. Hence, following order is passed :

ORDER

(I) Criminal Revision Application is allowed.

(II) The order dated 01-01-2025 passed by the Additional Sessions Judge, Beed below Exhibit 27 in Sessions Case No.94 of 2022, is hereby quashed and set aside.

(III) Application Exhibit 27 filed in Sessions Case No.94 of 2022 stands allowed. Revision petitioner stands discharged from offence under Sections 306, 323, 506 read with Section 34 of the Indian Penal Code in Sessions Case No.94 of 2022 (Crime No.213 of 2021 registered at Amalner Police Station, District Beed).

(IV) Criminal Revision Application is accordingly disposed of.

(ABHAY S. WAGHWASE)
JUDGE