



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 859 OF 2025

Sagar s/o Shaligram Tayade,
Age 30 years, Occupation Agriculture,
R/o. Gornala, Taluka Jamner,
District Jalgaon.

... Appellant
[Original Complainant]

Versus

1. The State of Maharashtra
Through Police Station,
Jamner.
2. Sudhakar s/o Prabhakar Tayde,
Age 28 years, Occupation Agriculture,
R/o. Gornala, Taluka Jamner,
District Jalgaon.

... Respondents

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Mr. Datta A. Madake, Advocate for the Appellant.
Mr. V. M. Jaware, APP for Respondent No.1-State.
Mr. Prashant P. Giri, Advocate for Respondent No.2.

.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 26.03.2026

Pronounced on : 27.03.2026

JUDGMENT :

1. Original complainant, on whose report crime no. 0183 of 2020 was registered at Jamner Police Station for offence under Section 306 of IPC and on the strength of which, trial was conducted vide Sessions Case No. 69 of 2021, raises challenge to the judgment and order of acquittal dated 20.09.2025.

2. Prosecution was launched against present respondent no.2 on allegations that 15 days prior to the incident, complainant's brother Samadhan and his wife had been for agricultural labour activity. At that time, Samadhan had spotted his wife Sarla talking with accused Sudhakar Tayade resulting into quarrel between Samadhan and accused Sudhakar. Resultantly, Samadhan had sent Sarla to her maternal house. Again there was some quarrel between Samadhan and Sudhakar on 03.07.2020. Sudhakar had allegedly hurled abuses to Samadhan and even beat him and that, instance was resolved by complainant himself and others, but Samadhan went away from there and returned after consuming some poison. On being asked about the reason of consumption, it was reportedly said that because of continuous torture by accused Sudhakar, poison was consumed. On above report lodged by brother of deceased Samadhan, above crime was registered and investigation was carried out and after its completion, trial was conducted which ended up in acquittal. Hence, aggrieved by the same, original informant has preferred instant appeal by invoking Section 413 of BNS.

3. Learned counsel for the appellant would point out that, deceased had spotted his wife talking with accused. He had objected for the same and therefore getting annoyed by the same, accused was

continuously quarreling with deceased and subjecting him to harassment. That, only due to repeated and continuous quarrels, abuses and beating, deceased consumed poison. That, there was no other reason to commit suicide. That, informant was appraised by deceased immediately after consumption that only because of torture at the hands of accused, he had consumed poison. Complaint to that extent was promptly lodged.

4. He further submitted that star witness for prosecution is complainant Sagar before whom there was disclosure by deceased regarding the cause of suicide. That, there is also evidence of other family members. However, according to him, their evidence has not been correctly appreciated by learned trial court and rather accused has been acquitted. It is his submission that acquittal is as a result of incorrect appreciation of evidence and non-consideration of settled law.

5. Learned APP also supported the above contentions.

6. Whereas, learned counsel Mr. Giri for the accused would justify the order of acquittal primarily on the ground that there is no evidence about inducement, instigation or abetment to commit

suicide. According to him, in the rage of anger in the backdrop of minor quarrel, there is consumption. According to him, accused never intended that deceased should commit suicide. That, necessary ingredients for attracting charge of Section 306 were patently missing and therefore, according to him, learned trial court has correctly acquitted the accused and as such he urges to not to interfere.

7. This is an appeal against acquittal. Before adverting to merits, it would be fruitful to reproduce the law on appeal against acquittal. In the case of ***Babu v. State of Kerala*** (2010) 9 SCC 189 the Hon'ble Apex Court had reiterated the principles to be followed in an appeal against acquittal under Section 378 of Cr.P.C. In paragraphs 12 to 19, it has been observed by the Hon'ble Apex Court as under :

“12. This Court time and again has laid down the guidelines for the High Court to interfere with the judgment and order of acquittal passed by the trial court. The appellate court should not ordinarily set aside a judgment of acquittal in a case where two views are possible, though the view of the appellate court may be the more probable one. While dealing with a judgment of acquittal, the appellate court has to consider the entire evidence on record, so as to arrive at a finding as to whether the views of the trial court were perverse or otherwise unsustainable.

The appellate court is entitled to consider whether in arriving at a finding of fact, the trial court had failed to take into consideration admissible evidence and/or had taken into consideration the evidence brought on record contrary to law. Similarly, wrong placing of burden of proof may also be a subject-matter of scrutiny by the appellate court. (Vide Balak Ram v. State of U.P (1975) 3 SCC 219, Shambhoo Missir v. State of Bihar (1990) 4. SCC 17. Shailendra Pratap v. State of U.P (2003) 1 SCC 761, Narendra Singh v. State of M.P (2004) 10 SCC 699, Budh Singh v. State of U.P (2006) 9 SCC 731, State of U.P. v. Ram Veer Singh (2007) 13 SCC 102, S. Rama Krishna v. S. Rami Reddy (2008) 5 SCC 535, Arulvelu v. State (2009) 10 SCC 206, Perla Somasekhara Reddy v. State of A.P (2009) 16 SCC 98 and Ram Singh v. State of H.P (2010) 2 SCC 445).

13. *In Sheo Swarup v. King Emperor AIR 1934 PC 227, the Privy Council observed as under: (IA p. 404)*

"... the High Court should and will always give proper weight and consideration to such matters as (1) the views of the trial Judge as to the credibility of the witnesses; (2) the presumption of innocence in favour of the accused, a presumption certainly not weakened by the fact that he has been acquitted at his trial; (3) the right of the accused to the benefit of any doubt; and (4) the slowness of an appellate court in disturbing a finding of fact arrived at by a Judge who had the advantage of seeing the witnesses."

14. *The aforesaid principle of law has consistently been followed by this Court. (See Tulsiram Kanu v. State AIR 1954 SC 1, Balbir Singh v. State of Punjab AIR 1957 SC 216, M.G. Agarwal v. State of Maharashtra AIR 1963 SC 200, Khedu Mohton v. State of Bihar (1970) 2 SCC 450, Sambasivan v. State of Kerala (1998) 5 SCC 412, Bhagwan Singh v. State of M.P.(2002) 4 SCC 85 and State of Goa v. Sanjay Thakran (2007) 3 SCC 755)*

15. *In Chandrappa v. State of Karnataka (2007) 4 SCC 415, this Court reiterated the legal position as under: (SCC p. 432, para 42)*

"(1) An appellate court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded.

(2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law.

(3) Various expressions, such as, 'substantial and compelling reasons', 'good and sufficient grounds', 'very strong circumstances', 'distorted conclusions', 'glaring mistakes', etc. are not intended to curtail extensive powers of an appellate court in an appeal against acquittal. Such phraseologies are more in the nature of 'flourishes of

language' to emphasise the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.

(4) An appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court."

5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court."

16. In Ghurey Lal v. State of U.P (2008) 10 SCC 450, this Court reiterated the said view, observing that the appellate court in dealing with the cases in which the trial courts have acquitted the accused, should bear in mind that the trial court's acquittal bolsters the presumption that he is innocent. The appellate court must give due weight and consideration to the decision of the trial court as the trial court had the distinct advantage of watching the demeanour of the witnesses, and was in a better position to evaluate the credibility of the witnesses.

17. In State of Rajasthan v. Naresh (2009) 9 SCC 368, the Court again examined the earlier judgments of this Court and laid down that: (SCC p. 374, para 20)

"20. an order of acquittal should not be lightly interfered with even if the court believes that there is some evidence pointing out the finger towards the accused."

18. In State of U.P. v. Banne (2009) 4 SCC 271, this Court gave certain illustrative circumstances in which the Court would be justified in interfering with a judgment of acquittal by the High Court. The circumstances include: (SCC p. 286, para 28)

"(i) The High Court's decision is based on totally erroneous view of law by ignoring the settled legal position;

(ii) The High Court's conclusions are contrary to evidence and documents on record;

(iii) The entire approach of the High Court in dealing with the evidence was patently illegal leading to grave miscarriage of justice;

(iv) The High Court's judgment is manifestly unjust and unreasonable based on erroneous law and facts on the record of the case;

(v) This Court must always give proper weight and consideration to the findings of the High Court;

(vi) This Court would be extremely reluctant in interfering with a case when both the Sessions Court and the High Court have recorded an order of acquittal."

A similar view has been reiterated by this Court in Dhanapal v. State (2009) 10 SCC 401.

19. Thus, the law on the issue can be summarised to the effect that in exceptional cases where there are compelling circumstances, and the judgment under appeal is found to be perverse, the appellate court can interfere with the order of acquittal. The appellate court should bear in mind the presumption of innocence of the accused and further that the trial

In paragraph 20 of the said judgment, when the findings of fact recorded by a court can be held to be 'perverse' has been dealt with and considered, which reads as under :

"20. The findings of fact recorded by a court can be held to be perverse if the findings have been arrived at by ignoring or excluding relevant material or by taking into consideration irrelevant/inadmissible material. The finding may also be said to be perverse if it is "against the weight

of evidence", or if the finding so outrageously defies logic as to suffer from the vice of irrationality. (Vide Rajinder Kumar Kindra v. Delhi Admn (1984) 4 SCC 635, Excise and Taxation Officer-cum-Assessing Authority v. Gopi Nath & Sons 1992 Supp (2) SCC 312, Triveni Rubber & Plastics v. CCE 1994 Supp. (3) SCC 665, Gaya Din v. Hanuman Prasad (2001) 1 SCC 501, Aruvelu v. State (2009) 10 SCC 206 and Gamini Bala Koteswara Rao v. State of A.P (2009) 10 SCC 636)." (emphasis supplied)

It is further observed, after following the earlier decision in *Kuldeep Singh v. Commissioner of Police* (1999) 2 SCC 10 that, if a decision is arrived at on the basis of no evidence or thoroughly unreliable evidence and no reasonable person would act upon it, the order would be perverse. But if there is some evidence on record which is acceptable and which could be relied upon, the conclusions would not be treated as perverse and the findings would not be interfered with.

In the recent decision of *Vijay Mohan Singh v. State of Karnataka* (2019) 5 SCC 436, by referring to the earlier decisions in *Umedbhai Jadavbhai* (1978) 1 SCC 228, *Sambasivan v. State of Kerala* (1998) 5 SCC 412, *K. Ramakrishnan Unnithan v. State of Kerala* (1999) 3 SCC 309, *Atley v. State of U.P.* AIR 1955 SC 807 and

K. Gopal Reddy v. State of A.P. (1979) 1 SCC 355, the Hon'ble Apex Court has dealt with the principles to be borne in mind while dealing with an appeal against acquittal.

8. Bearing above settled principle in mind, case is dealt with. Here, there is charge of Section 306 of IPC. Again, before going to the merits of the case, it would be fruitful to deal with settled position as to when charge under Section 306 would get gravitated. Law is fairly settled as regards the applicability of Section 306 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.

9. Here, in support of its case, prosecution seems to have adduced evidence of in all 10 witnesses and their status is as under :

- PW1 Pancha to spot Exhibit 17.
- PW2 Informant
- PW3 Mother of deceased
- PW4 Acquaintance of both, deceased and accused and an alleged eye witnesses
- PW5 Neighbour of deceased.
- PW6 Another neighbour of deceased.
- PW7 Medical expert
- PW8 PSO who noted the report lodged by PW2
- PW9 Investigating Officer
- PW10 Pancha to seizure of clothes of deceased.

10. Here, evidence of informant PW2, his mother PW3, neighbours PW4, PW5 and PW6 is of relevance. Crucial and star witness is brother PW2 who is examined at Exhibit 21. Its scrutiny shows that, he is brother of deceased. According to him, 15 days prior to 03.07.2020, there was quarrel between accused and deceased as deceased had seen accused talking with his wife in the field beneath a tree. According to him, understanding was given to both, his brother as well as his sister-in-law i.e. wife of deceased, and she was sent to her parents' house. He claims that on 03.07.2020, he got a phone call about again quarrel going on between accused and deceased and so he went there and claims to have seen accused abusing and beating his brother and also questioning his brother for sending his wife. He himself, Lakhan, Manohar, Jitendra, Dharmpal, father Shaligram and mother Saraswati intervened and settled the quarrel. According to him, that time his brother left in anger and when he returned, there was some smell emanating from the mouth of his brother and so he questioned him about the smell upon which deceased told him that because of regular trouble by accused, getting fed up, he had consumed insecticide and was therefore taken to hospital, but he was declared dead and therefore he lodged report that only because of regular trouble by accused, his brother getting fed up of the same, committed suicide.

While under cross, he admitted that on 03.07.2020, when there was quarrel between accused and his brother, that time he was not present there but he denied that his sister-in-law regularly picked up quarrel with her deceased husband and used to go to her maternal house.

Omission is brought about accused going to meet his sister-in-law in the field beneath neem tree and after returning home, she being given understanding and he hearing quarrel from the road. He admitted that above named persons who intervened, belong to his community and also admitted that bottle seized is easily available with all farmers.

11. Next is the evidence of mother of deceased and she too stated that 15 days back, accused and wife of deceased were chatting on the ridge and it was seen by deceased and therefore understanding was given to deceased, but it yielded no result. That, wife of deceased was sent to her parents' house. She narrated that, there was again quarrel between her son and deceased near statue of Dr. Ambedkar and accused had said to deceased that he would go and meet Sarla at her parents' place, as a result of which there was fight between them.

However, according to her, immediately deceased ran to the cattle shed and consumed poison and he allegedly told that because of trouble of accused **and his wife Sarla**, he consumed poison.

Omissions are brought in para 5 regarding incident taking place near statue of Dr. Babasaheb Ambedkar.

12. PW4 Suchitkumar Tayade deposed that 15 days back, there were talks between wife of deceased and accused in the field which was seen by deceased and on that count, deceased had sent his wife to her parents' house. According to him, on 03.07.2020 around 8.30 a.m., again there was quarrel between accused and deceased while he was present and he claims that, that day also deceased was giving understanding to accused saying that his behaviour is improper, resulting into quarrel between them followed by accused abusing and beating deceased questioning deceased why he had sent his wife to her maternal house. According to him, in the rage of anger, deceased went towards the cattle shed and consumed poison i.e. only because of beating by accused for questioning relations with his wife.

In cross he admitted that there used to be quarrels between deceased and his wife on minor counts and in such backdrop she used to go to her parents' place. He denied not seeing accused talking with

wife of deceased. He was not knowing that prior to the incident there was quarrel between Sarla and accused Sudhakar of which police complaint was lodged.

13. PW5 neighbour stated that, in 2020 there was some dispute between accused and deceased on account of affair of wife of deceased with accused. On 03.07.2020 he claims that he had been to the spot of quarrel and it was resolved. According to this witness, thereafter deceased went towards the cattle shed, consumed insecticide and was taken to the hospital.

In cross he has admitted that he is relative of deceased and also admitted about not personally seeing quarrel which took place in the field.

14. PW6 Dhammapal stated that on 03.07.2020 while he was sitting on the ota of his house with deceased, deceased told him that he had seen his wife with accused in the field and there was quarrel on that count. This was all informed in the morning. Thereafter deceased went to the cattle shed. There, there was quarrel between accused and deceased. He and others intervened and gave understanding to both of them. According to this witness, thereafter

everybody went home. After one hour, i.e. around 9.00 a.m. deceased alone went to the cattle shed and consumed insecticide.

In cross, omission is brought to the extent of he sitting with deceased on ota and about deceased informing about he spotting his wife with accused in the field and after consumption, deceased being taken to Rural Hospital, Betawad.

15. PW7 is the medical expert who conducted autopsy and opined death due to cardio respiratory arrest due to oreoano phosphorous poison.

ANALYSIS AND CONCLUSION

16. On carefully analyzing the above evidence, here, it is emerging that prosecution witnesses, including complainant, deposed about occurrence dated 03.07.2020 regarding consumption of insecticide by deceased. They all also unanimously speak that 15 days prior to the alleged consumption, deceased had spotted his wife talking with accused in their field and there was questioning by deceased resulting into quarrel between accused and deceased. Informant and his mother both speak about deceased being given understanding and wife of deceased being sent to her parents' house. Second quarrel seems to have taken place directly on 03.07.2020 during which again

there was said to be quarrel between both of them, but on account of sending wife of deceased to her parents' place. This time witnesses claim that accused had beaten and quarreled with deceased. Thereafter, there was said to be consumption by deceased.

17. Consequently, there are only two instances coming on record, i.e. first instance which occurred 15 days prior to 03.07.2020 and second one on 03.07.2020. It is to be noted that, here, allegations are that deceased consumed poison because of continuous harassment and trouble by accused. But as stated above, there are apparently two instances coming on record and not continuous quarrel or beating. Moreover, witnesses are also found to be deposing that after the quarrel dated 03.07.2020 was resolved, deceased had left in the rage of anger and according to informant, he had returned after consumption. But, independent witness PW6 has deposed that after dispute was resolved, everybody went home and after one hour, deceased consumed poison i.e. around 09.00 a.m. Taking such evidence into account, question arises is, where is the evidence about instigation, inducement or abetment.

18. Secondly, informant himself claims that after the quarrel dated 03.07.2020, in anger deceased had gone to the cattle shed and had

returned after consuming pesticide and informed that because of trouble by accused, getting fed up, he consumed pesticide. Apparently thus, such step has been taken by deceased in the rage of anger. For the same, accused cannot be blamed. In view of evidence of PW6 that, deceased consumed insecticide after one hour when everyone parted, it is also doubtful whether accused was around at all so as to attribute abetment to him. By no stretch of imagination, quarrel or solitary instance of beating would amount to inducement or instigation to commit suicide. There is nothing to attribute *mens rea* or motive to the accused i.e. he desired only suicide by deceased and nothing short of it. Hence, for above reasons, charge of Section 306 apparently fails.

19. Perused the judgment under challenge. Learned trial court has apparently analyzed the evidence and appreciated the same in the spirit of legal requirements. View taken by learned trial court is the only view that could emerge even on re-appreciation. There being no infirmity in the impugned order, following order is passed :

ORDER

The appeal is dismissed.

[ABHAY S. WAGHWASE, J.]