IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 390 OF 2025

Bhaiyasasheb alias Sanjay
Ramchandra Gawande … Applicant
Versus
The State of Maharashtra and anr. … Respondents

SNEHA NITIN CHAVAN
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Mr. Subodh Desai, Senior Advocate a/w Mr. Kartik Garg for Applicant.

Mr. Balraj Kulkarni, APP for Respondent-State.

Mr. Abhishek Karnik for Respondent No.2.

PSI Sardar Vasekar, Panvel Taluka Police Station, present.

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CORAM : M.M. SATHAYE, J.

DATE : 22nd OCTOBER, 2026

P.C. :

1. Heard learned Counsel for the parties. Perused the record.

2. The Applicant is the sole accused. C.R.No.52 of 2021 was registered against the Applicant for the offences punishable under Sections 306 and 506 of the Indian Penal Code (for short, 'IPC'), which resulted in Sessions Case No.98 of 2023. Applicant filed an application below Exhibit 4 therein, seeking discharge under Section 227 of the Code of Criminal Procedure, 1973 ('CrPC' for short). By the impugned order dated 15.07.2025, the Additional Sessions Judge, Panvel-Raigad, rejected the said Application. This order is challenged in the present Revision Application.

3. One Mr. Keshav Gajanan Gawande is deceased who committed suicide. Respondent No.2 is the wife of the deceased. She has filed FIR.

4. According to prosecution, the deceased was working as a manager at Suvidha Bharat Gas Agency which is owned by the Applicant. In September, 2020, the Applicant made allegations against the deceased about shortage of 900 to 1000 gas cylinders, falsification of accounts and misappropriation of Rs. 30 Lakh. The Applicant called the deceased and his father to his farm house and forcibly obtained statements. The father of the deceased was also made to sign on the statements. Original documents were kept by the Applicant. Properties were made to be transferred in the name of Applicant's relatives. Finally, a document was prepared on 04.01.2021, stating balance payable amount. Therefore, the deceased was in depression. On 20.02.2021, at about 9.30 pm., the deceased committed suicide by consuming poison. He died in the hospital on 22.02.2021.

5. During investigation, the statements of the witnesses were recorded, and the suicide note was seized. In the suicide note, Applicant's name is mentioned as a person responsible for suicide. It is mentioned that the accused had abused and threatened the deceased, and forcibly obtained the sale deeds in respect of the properties. Deceased has also made video recording before suicide. In short, according to the complainant and the prosecution, the accused had threatened the deceased and got documents executed for repayment of the amount allegedly misappropriated in the

business of Gas Agency. The deceased, who was working as a Manager, came under pressure and was living in a state of tension, which has resulted into his suicide.

6. Learned Senior Counsel for the Applicant submitted that the last alleged document was executed on 04.01.2021, wherein it was mentioned that, if the remaining amount is not paid within the specified time, then the Applicant would be free to initiate the legal proceedings. He submitted that thereafter the suicide took place on 20.02.2021 i.e. more than one and a half months after the execution of last document. He submitted that efforts to recover misappropriated amount cannot be considered as instigation or direct act abetting the suicide. He submitted that there was neither instigation nor aiding nor *mens rea* on the part of the Applicant. He further submitted that considering the chronology of events, there is no proximate cause connecting the Applicant with the act of suicide. He submitted that there are no circumstances to indicate that, due to acts of the Applicant, the deceased was left with no option, but to take the extreme step. Therefore, the necessary ingredients of the alleged offence are not made out. He relied upon the Judgment in the case of *Prakash and others Vs. State of Maharashtra and another. (2026) 6 SCC 251,* and *Abhinav Mohan Delkar Vs. State of Maharashtra and others. (2026) 6 SCC 233,* in support of his case.

7. On the other hand, learned APP has supported the impugned order, contending, *inter alia*, that the accused is named in the suicide note. He contended that deceased's wife has stated, that the deceased was living under tension and his relatives, including his father were

called at the farmhouse of the accused where documents were forcibly obtained by the accused. He submitted that conduct of the Applicant is sufficient to prosecute him for the offences of abetment of suicide and criminal intimidation and that the same is a matter of trial for the Court to decide.

8. Learned Counsel for Respondent No.2 / informant has also supported the impugned order, contending *inter alia*, that the accused was solely responsible for the deceased taking extreme step. He has also invited the Court's attention to the statement of the deceased's wife and the suicide note.

9. I have considered the rival submissions and perused the record.

10. Admittedly, it appears from the material gathered by the prosecution that the allegation relates to misappropriated amount of Rs.30,00,000/- from the Gas Agency owned by the Applicant / accused. The deceased, seems to have executed the statement on 20.09.2020. Statement is recorded on the letter head of the Gas Agency which was signed by the deceased, accused and other witnesses. In the said statement, the deceased has apparently admitted to the act of misappropriation of the amount. Another statement seems to have been executed by the father of the deceased on 22.09.2020, once again taking responsibility for repayment of the misappropriated amount. The father has stated that he will try to repay in installments and if not possible he will transfer S. No. 162 admeasuring 2 acre land worth Rs. 18 Lakh to the Applicant. The third document is of 06.11.2020 executed by father of deceased

recording repayments made so far and also agreeing to sell further property. Fourth document is dated 04.01.2021, which seems to be an agreement executed between the accused and the deceased, recording the payments made by the deceased including sale of a land Gat No. 162/ 161 – 1 Acre and the remaining amount for which post dated cheques were issued. It is further stated that if the remaining amount is not repaid, the accused would be free to initiate the legal proceedings.

11. During investigation, a copy of sale deed date 30.12.2020 came on record, whereby the father of the deceased sold 22R land out of Gut No.161 to a relative of the accused. Another sale deed also come on record which was executed by father of deceased in favour of the same relative of the accused for the sale of 21R of land out of Gut No.162. It has come on record as per the statement of the deceased's father recorded on the letter head of the Gas Agency, that the price of the land was much higher than the amount for which it is shown to have been sold.

12. From the aforesaid discussion, it is clear that alleging misappropriation of the amount in the Gas Agency business, the Applicant has got several documents executed by the deceased and his father, including a statement accepting the guilt and the documents for sale of properties in favour of Applicant's relative for an amount lower than the market price. This shows that there were monetary transactions between the parties, in connection with which, the deceased and his father were made to execute the aforesaid documents. It is also clear from the statement of the deceased's wife

that due to the pending dispute between the parties regarding the alleged misappropriation and execution of several documents by the deceased and his father, the deceased was in pressure and living in a state of tension.

13. It is not disputed that suicide note names the Applicant as a person responsible for the suicide. It is also stated in the suicide note that the accused threatened the deceased with dire consequences.

14. Whether the conduct of the Applicant / accused amounts to instigation or constitutes an act of abetment having a proximate connection with the deceased's suicide is a matter to be decided at the time of trial. In that view of the matter, there is no merit in the submission of learned Counsel for the Applicant that there was no *mens rea or* intention and that there is absence of proximate cause.

15. It is settled position of law that at the time of deciding discharge application, the Court has to look into *prima facie* case and it is not necessary to enter into pros and cons of the matter or weighing and balancing of the evidence. The Court is expected to merely sift the evidence in order to find out whether there is sufficient ground for proceeding against the accused. It is trite that at the stage of considering discharge application, the Court has to proceed with assumption that the material brought on record by the prosecution is true and evaluate it with a view to find out whether facts emerging taken at its face value discloses existence of the offence. Also at the stage of deciding discharge application, mini trial is not permitted and the High Court sitting in revisional jurisdiction

cannot sit as an Appellate Court and start appreciating the evidence and the High Court has to be cognizant of the fact that the Trial Court was dealing with discharge application. Useful reference can be made to paragraph No. 7 of *Union of India v/s. Prafulla Kumar Samal and Anr. (1979) 3 SCC 4*, paragraph No. 29 of *State of Tamil Nadu V/s. N. Suresh Rajan and Ors. (2014) 11 SCC 709*, paragraph No. 15 of *State of Rajasthan v/s. Ashok Kumar Kashyap (2021) 11 SCC 191* and Paragraph Nos. 10 and 17 of *State of Gujarat v/s. Dilipsinh Kishorsinh Rao. (2023) 17 SCC 688*.

16. So far as the judgments relied upon by learned Counsel for the Applicant are concerned, the proposition of law laid down therein cannot be disputed. However, in given set of facts, whether the conduct of the Applicant amounts to direct instigation or constitutes a proximate reason for the suicide or whether it amounts to abetment, depends entirely on the facts and circumstances of each case. In that view of the matter, the said judgments will not advance the case of the Applicant.

17. It is also important to note that the Applicant is also being prosecuted under Section 506 of the IPC in addition to the offence of abetment of suicide. The manner in which the documents were executed by the deceased and his father and the case that those documents were executed at the Applicant's farmhouse begs consideration of angle of criminal intimidation also, at the time of trial.

18. In the facts and circumstances of the case, and for the reasons

indicated above, no case for discharge is made out. Impugned order can not be faulted. There is no reason to interfere with the impugned order.

19. Criminal Revision Application is rejected.

(M.M. SATHAYE, J.)