

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 903 OF 2025

Nasim Riyastali Rizvi

...Appellant

Versus

State of Maharashtra and Anr.

...Respondents

Mr. Rajaram V. Bansode a/w. Ms. Sheetal M. Ubale for the Appellant.
Mr. A.R. Kapadnis 'B' Panel Council, for the Respondent No.1. State.
Mr. Jaikumar N Shiradhonkar and Mr. Ankit Saxena for Respondent No.2.

CORAM : R.M. JOSHI, J.
DATE : 20th FEBRUARY, 2026

P.C. :

1. Heard. Learned Counsel for both sides. Perused record.
2. This appeal is filed by informant against the judgment and order of acquittal of the Accused in Sessions Case No. 326 of 2016 for the offence punishable under Section 306 of Indian Penal Code, 1860.
3. There is no dispute with regard to the fact that the deceased committed suicide on 23rd November 2015 by hanging herself, in her matrimonial home. The Accused is husband of the deceased. Their marriage was performed in the year 2006 and a son is begotten therefrom. The first informant, i.e., the mother of the deceased lodged First Information Report alleging that the deceased committed suicide

on account of harassment caused to her by husband, i.e., the Accused. On the basis of the said information, crime was registered vide Crime No. 190 of 2015. On conclusion of investigation, charge sheet came to be filed.

4. Prosecution examined five witnesses including informant, P.W.-2 – Anwar Riyasatali, brother of the deceased and P.W. - 3 Somen Ghosh, neighbour of the deceased. The Trial Court found evidence led by the prosecution to be insufficient to prove the guilt of the Accused beyond reasonable doubt, hence, passed impugned judgment and order of acquittal.

5. Learned Counsel for the Appellant submits that the prosecution has examined the mother, brother and neighbour of the deceased in order to prove that the Accused used to harass the deceased and due to the said harassment, deceased committed suicide. It is his submission that apart from the testimony of the mother and brother, there is evidence of independent witness, i.e., neighbour of the deceased, which supports case of prosecution. He laid stress upon his evidence in order to argue that the witness has categorically stated about deceased disclosing her of being frustrated on account of harassment caused by the Accused and, therefore, desired to end her life.

6. It is his further submission that, this evidence of the neighbour gets corroboration from testimony of informant who was also disclosed about such intention by the deceased. It is argued that the evidence laid on record by the prosecution is sufficient to show that the Accused wanted deceased to commit suicide, and as a result of the harassment caused by him, the deceased has put end to her life, and that the Trial Court has failed to take into consideration the evidence of witnesses, more particularly, the evidence of P.W. – 3, Somen Ghosh. On these amongst other submissions he seeks setting aside of impugned judgment and conviction of Accused is sought. Learned Counsel for Accused supports impugned judgment of acquittal.

7. The marriage between deceased and Accused was performed in the year 2006, and the unfortunate incident of she committing suicide has occurred on 21st November 2015. As such, there is no presumption available that the deceased committed suicide on account of harassment being caused to her by husband or his relatives.

8. Needless to say that, in order to bring home guilt of the Accused for abetment of committing suicide, the burden would be upon the prosecution to prove that the Accused was intending to drive deceased to end her life or subjected to the harassment of such a nature that she would be left with no other alternative, but to commit suicide. The said intention must appear from the evidence on record. In the

instant case, informant states about Accused beating the deceased and torturing her. The independent witness i.e. PW – 3, Somen Ghosh, however, states that sometime there used to occur disputes between deceased and her husband, and on account of the same, she was frustrated. Apart from the fact that there are inconsistencies in the evidence of the interested witnesses and independent witness, this Court finds that there is absolutely no evidence in order to indicate immediate proximity of harassment and act of commission of suicide by deceased. Moreover, there is no consistent evidence on record to hold that the alleged harassment caused by the Accused to the wife/deceased was of such a nature that it would drive her to end her life. The evidence of neighbour does not indicate any assault by the Accused, but it shows about quarrels and disputes. The said witness also does not state anything about any specific incident occurred just before act of commission of suicide.

9. The learned Trial Court therefore has rightly taken into consideration the evidence on record and has held that the prosecution has failed to prove the essential ingredients for the constitution of an offence under Section 306 r/w. Section 107 of the IPC. This Court concurs the said finding as there is no evidence to show that the Accused intended to drive his wife to commit suicide and the harassment was of such nature that would leave her with no other

option, but to commit suicide. Moreover, this is not a case wherein the Trial Court has ignored material evidence on record, which could have led to different outcome of the case.

10. Having regard to the evidence on record, this Court finds no perversity in the impugned judgment and order of acquittal to cause interference therein. Hence dismissed.

(R.M. JOSHI, J.)