



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH AT NAGPUR**

CRIMINAL APPEAL NO. 222 OF 2024

Ravindra @ Ravi S/o. Murlidhar
Pardhi, (Presently in Jail)
Aged 42 years, Occ. Labour,
R/o. Maldongari, Tah. Bramhapuri,
District: Chandrapur

... Appellant

.. Versus ..

State of Maharashtra through
PSO Bramhapuri, Tah. Bramhapuri,
District Chandrapur.

...Respondent

Shri M.L.Vairagade, Advocate for appellant.
Shri B.M.Lonare, APP for respondent/State.

CORAM : NEERAJ P. DHOTE, J.

DATE OF RESERVING THE JUDGMENT : 16/02/2026
DATE OF PRONOUNCING THE JUDGMENT: 10/04/2026

JUDGMENT

This is an Appeal under Section 374(2) of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') against the judgment and order dated 20/09/2023 passed by the learned Additional Sessions Judge, Chandrapur in Sessions Case No. 57 of 2022, convicting and sentencing the Appellant as follows:-

“1. Accused Ravindra @ Ravi Murlidhar Pardhi is found guilty. He is convicted of the offences of Section 498-A of the IPC and Section 306 of the IPC vide Section 235 (2) of the Code of Criminal Procedure.

2. Accused Ravindra @ Ravi Murlidhar Pardhi is hereby sentenced to suffer R.I. for 3 (three) years and to pay a fine of Rs.5,000/- (Rs. Five thousand only) for the offence punishable under section 498-A of the IPC. In default of payment of fine the accused shall suffer S.I. for 6 (six) months.

3. Accused Ravindra @ Ravi Murlidhar Pardhi is also hereby sentenced to suffer R.I. for 10 (Ten) years and to pay a fine of Rs.5,000/- (Rs. Five thousand only) for the offence punishable under section 306 of the IPC. In default of payment of fine the accused shall suffer further S.I. for 6 (Six) months.

4. Both the substantive sentences shall run concurrently.

5. Accused be given set off of his pre-conviction detention period from 10.01.2022 to 20.09.2023 under Section 428 of Cr.P.C.

6.

7. ...

8. ...”

2. The prosecution’s case as revealed from the police report is as under:-

2.1 The Appellant was married to Dipa Ravindra Pardhi (hereinafter referred to as ‘the deceased wife’). Out of wedlock, the deceased wife gave birth to two (2) children (hereinafter

referred to as ‘the deceased children’). For a period of one year, the deceased wife was treated properly. The Appellant got addicted to alcohol. The Appellant used to beat the deceased wife and demand money. Once, due to beating by the Appellant, the deceased wife was brought to her parental house. The deceased wife stayed at her parental house for a period of two (2) to three (3) months. The Appellant along with others went and brought the deceased wife to her matrimonial house. There was no improvement in the behaviour of the Appellant. On 08/01/2022, the parents of deceased wife came to know that, she was missing. The deceased wife and deceased children were found dead in the Well. The father of the deceased wife lodged the report with the Bramhapuri Police Station against the Appellant and Crime bearing No. 0017/2022 came to be registered for the offence punishable under Sections 498-A and 306 of the Indian Penal Code, 1860 (for short, ‘I.P.C.’). The Inquest and Post-Mortem of the deceased wife and deceased children were done. The spot panchanama was drawn. The Appellant came to be arrested. The statements of the witnesses were recorded. On completion of the investigation, the Appellant came to be charge-sheeted.

2.2 The learned Trial Court framed the Charge against the Appellant vide Exh. 8 for the offences punishable under Sections 498-A and 306 of the IPC. The Appellant pleaded not-guilty and claimed to be tried. To prove the charge, the prosecution examined in all seven (7) witnesses. Mr. Gajanan Y. Kagane, Panch for the Inquest and Spot panchanama, is examined as P.W.-1. Sakhubai S. Bulle, mother of deceased, is examined as P.W.-2. Nanda D. Matere, sister of deceased, is examined as P.W.-3. Damodhar A. Pardhi, the relative of the Appellant is examined as P.W.-4. Dumaji N. Gutke, Police official who took the report from the father of deceased wife, is examined as P.W.-5. Dr. Subhash B. Ingle, Medical Officer, who conducted the Autopsy, is examined as P.W.-6 and Milind D. Shinde, Investigating Officer is examined as P.W.-7. The relevant documents such as Inquest, Panchanamas, Post-Mortem (PM) Report etc. are brought on record in the evidence of the witnesses.

2.3 After the prosecution filed the evidence closure pursis, the learned Trial Court recorded the statement of the Appellant under Section 313(1)(b) of the Cr.P.C. The Appellant

denied the evidence and case of the prosecution. On appreciating the evidence available on record, the learned Trial Court passed the impugned judgment and order convicting and sentencing the Appellant as above.

3. Heard the learned Counsel for the Appellant and the learned APP for the State. Scrutinized the evidence available on record.

(a) It is submitted by the learned counsel for the Appellant that, the evidence on record does not prove the charge. The PM Report shows that, the bodies were well nourished and therefore, the prosecution's case of harassment is unbelievable. As the Appellant is behind the bars for a period of four (4) years, he be acquitted. In support of his submissions, he relied on the decisions in *Sanju alias Sanjay Singh Sengar V/s. State of M.P. {AIR 2002 SC 1998}* and *Prakash and ors. V/s. State of Maharashtra and anr. {2024 SCC OnLine SC 3835}*.

(b) It is submitted by the learned APP for the State that, the Appellant assured to improve every time, however, there was no improvement. The relatives of the deceased mediated. Due to harassment by the Appellant, an extreme step was taken by the

deceased wife and the deceased children. No case is made out to interfere in the impugned judgment and order.

4. The charge and conviction are for the offences punishable under Sections 498-A and 306 of IPC. In ***Sanju alias Sanjay Singh Sengar*** (supra), the charge was for the offence punishable under Sections 306 of IPC. The learned Trial Court and the High Court therein held that, the suicide was the direct result of the quarrel between the deceased and the Appellant therein and the Appellant therein told the deceased 'to go and die'. It was observed that, accepting the prosecution case, the said words 'to go and die' itself does not constitute the ingredient of 'instigation'. The observations in ***Ramesh Kumar V/s. State of Chhattisgarh {(2001) 9 SCC 618}*** are reproduced in para 12 of the said judgment. The said para states that, *"A word uttered in a fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation. If it transpires to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and difference in domestic life quite common to the society to which the victim belonged and such petulance discord and difference were not expected to induce a*

similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged for abetting the offence of suicide should be found guilty."

5. In **Prakash** (supra), following are the observations in para 18 and 28:-

"18. More recently, in the case of Jayedeepsinh Pravinsinh Chavda v. State of Gujarat {2024 SCC OnLine SC 3679}, this Court has relied on S.S. Chheena (supra) to hold that the element of mens rea cannot simply be presumed or inferred, instead it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law, that is deliberate and conspicuous intention to provoke or contribute to the act of suicide, would remain unfulfilled. This Court observed as follows:

"18. For a conviction under Section 306 of the IPC, it is a well-established legal principle that the presence of clear mens rea-the intention to abet the act-is essential. Mere harassment, by itself, is not sufficient to find an accused guilty of abetting suicide. The prosecution must demonstrate an active or direct action by the accused that led the deceased to take his/her own life. The element of mens rea cannot simply be presumed or inferred; it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law is not satisfied, underscoring the necessity of a deliberate and conspicuous intent to provoke or contribute to the act of suicide."

“28. This Court in the case of Naresh Kumar v. State of Haryanas {(2024) 3 SCC 573} observed as follows:-

"20. This Court in Mariano Anto Bruno v. State [Mariano Anto Bruno v. State, (2023) 15 SCC 560], after referring to the abovereferred decisions rendered in context of culpability under Section 306 IPC observed as under: (SCC para 45)

*"45. It is also to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. **Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.**"*

6. To constitute the offence punishable under Section 498(A) of the IPC, the cruelty should be of such a nature which would drive the woman to commit suicide or to cause grave injury or danger to life, limb or health of the woman and harassment should be with a view to coercing her or any person related to her to meet any unlawful demand. The provisions of Section 107 of IPC provides as to what constitute an abetment. As is clear from the above referred judgments, the *mens rea* is necessary to establish abetment.

7. The crime was registered on the report lodged by the father of the deceased wife. The evidence of P.W.2, mother of deceased wife shows that, the informant died in July, 2022 due to Cancer. According to P.W. 2, mother and P.W.-3, sister of deceased wife, the Appellant used to beat the deceased after consuming liquor. The Appellant used to suspect the character of the deceased wife. Their evidence shows that, two (2) to three (3) years after the marriage, the deceased wife was brought home by her father due to beating by the Appellant. The deceased wife stayed with her parents house for two (2) to three (3) months. The Appellant came with four (4) to five (5) persons and took the deceased wife with him to the matrimonial house. According to P.W. 2, mother of deceased, the Appellant also used to beat the deceased children. The cross-examination of these two (2) witnesses show material omissions. The omissions in the evidence of P.W. 2, mother of deceased wife are proved through P.W.-7, Investigating Officer. The evidence of P.W. 4 who was the relative of the Appellant and resident of the same village where the deceased was residing at her matrimonial house after the marriage shows that, the deceased wife used to take stress of petty things and used to go her maternal home and the deceased

wife committed suicide in the fit of anger. The P.M. Reports of the deceased wife and deceased children at Exh. 35, 36 and 37 show that, their bodies were well nourished and there were no surface injuries.

8. The above discussed evidence on record falls short of establishing the essential ingredients for the offences under which the Appellant is convicted. The act of the Appellant going and bringing the deceased wife to his home does indicate that, he wanted to be with her. In the absence of injuries on the dead bodies, and well nourished bodies, the evidence of beating is required to be seen with doubt. The act of suicide, as is clear from the above discussed evidence of P.W. 4, was the result of anger. There is absolutely no evidence as to what happened immediately before the suicide. Taking the prosecution evidence as it is, the essential ingredients for the offences punishable under Sections 498 and 306 of IPC are not made out. As the prosecution's evidence falls short of establishing the charge, the conviction and sentence is liable to be interfered with. Hence, the following order:-

ORDER

I) The Criminal Appeal is **allowed**.

II) The conviction and sentence awarded by the learned Additional Sessions Judge, Chandrapur against the Appellant in Sessions Case No. 57 of 2022, by the impugned judgment and order dated 20/09/2023, is hereby quashed and set aside.

III) The Appellant is acquitted for the offences punishable under Sections 498(A) and 306 of the Indian Penal Code.

IV) The Appellant is behind the bars. He be set at liberty, if not required in any other offence.

V) The fine amount, if any, paid by the Appellant, be refunded to him.

VI) Record and Proceedings be sent back to the learned Trial Court.

[NEERAJ P. DHOTE, J.]