


MHBU010013522023	Presented on : 16/12/2023
	Registered on : 16/12/2023
	Decided on : 04/05/2026
	Duration : Yr. Ms. Ds. 03 04 18

EXH. NO. 121

FORM NO. XXXII

Part 'A'

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, AT BULDHANA , DIST. BULDHANA. (Presided over by Ravikumar K. Sharma)	
	Date of Judgment :- 04/05/2026 SESSION CASE NO. 88/2023
	F.I.R./Crime No. <u>318/2023</u> State through Police Station, Amdapur
PROSECUTION	State of Maharashtra, through Police Station, Amdapur
REPRESENTED BY	A.P.P. Shri S.P. Hiwale
ACCUSED	1] Vishal @ Balu Dilip Kasare, Age-24 years, Occ. Labour, 2] Sau. Anita Satish Khadse, Age-30 years, Occ. Labour, 3] Dilip Govinda Kasare, Age-56 years, 4] Sau. Nanda Dilip Kasare, Age-47 years, Occ. Labour, All R/o Sawarkhed Najik, Tq. Chikhli, Dist. Buldhana
REPRESENTED BY	Advocate Shri Javed Sheikh

Part 'B'

Date of Offence	06/10/2023
Date of FIR	07/10/2023
Date of Charge-sheet	06/12/2023
Date of framing of Charges	13/09/2024
Date of Commencement of Evidence	21/10/2024
Date on which judgment is reserved	--
Date of the Judgment	04/05/2026
Date of the Sentencing order, if any.	Nil

Accused Details

Accused Rank	Name of accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 428 Cr.P.C.
1.	Vishal @ Balu Dilip Kasare,	7/10/23	29/12/23	Sections 306, 498-A, 323, 504 r/w 34 of IPC	Acquitted	Nil	Nil
2.	Anita Satish Khadse,	9/11/23	27/11/23		Acquitted	Nil	Nil
3.	Dilip Govinda Kasare,	26/10/23	26/10/23		Acquitted	Nil	Nil
4.	Nanda Dilip Kasare,	26/10/23	26/10/23		Acquitted	Nil	Nil

Part 'C'**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES****A. Prosecution:**

RANK	NAME	NATURE OF EVIDENCE
PW 1	Laxmi Rameshwar Sahane [Exh.45],	Panch witness,
PW 2	Rajesh Bhaskar Nemade [Exh.51],	Panch witness,
PW 3	Bebi Arjun Rantham [Exh.56],	Informant
PW 4	Jyoti Subhash Surushe [Exh.65],	Police Patil,
PW 5	Satish Sahebrao Khadse [Exh.70]	Witness,
PW 6	Vilas Samadhan Sahane [Exh.71],	Witness,
PW 7	Sachin Prabhakar Patil, API [Exh.85],	Police witness,
PW 8	Dhananjay Bhagwanrao Ingle [Exh.93],	Investigating Officer,

B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
	-NIL-	-NIL-

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE
1	Exhibit – 109 to 112	Statement recorded under Sec. 351(1) of BNSS of the accused.

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS**A. Prosecution :**

Sr.No.	Exhibit Number	Description
1)	PW 1- Exh. 46	Intimation letter
2)	PW 1- Exh. 47	Inquest panchnama,
3)	PW 2- Exh. 52	Spot panchnama,
4)	PW 2- Exh. 53	Receipt of dead body,
5)	PW 3- Exh.57,	Report,
6)	PW 3- Exh.58,	Printed FIR,
7)	PW 3- Exh.59,	letter given by police to informant,
8)	PW 3- Exh.60,	marriage invitation card,
9)	PW 3- Exh.61,	sealed envelope,
10)	PW 3- Exh.62,	statement u/Sec.164 of Cr.P.C.
11)	PW 4- Exh.66,	Report,
12)	PW 4- Exh. 67,	Marg,
13)	PW 7-Exh.86 to 88	Copy of N.C.report,
14)	PW 8- Exh.95 & 96	Two letters issued to P.S.Mehkar,
15)	PW 8- Exh.97,	portion marked "A" in the statement of PW 5 Satish Khadse,
16)	PW 8- Exh.98,	portion marked "A" in the statement of PW 6 Vilas Sahane,
17)	PW 8- Exh.99,	letter issued to Gram Panchayat,
18)	PW 8- Exh.100,	Namuna 8-A,
19)	PW 8- Exh.101,	Letter issued to Gram panchayat,
20)	PW 8- Exh.102,	death certificate of deceased,
21)	PW 8- Exh.103 to Exh.106,	four arrest forms,
22)	PW 8- Exh.107,	letter to JMFC, Chikhli.

B. Defence :

Sr.No.	Exhibit Number	Description
	-NIL-	-NIL-

C. Court Exhibits :

Sr.No.	Exhibit Number	Description
	-NIL-	-NIL-

D. Material Objects :

Sr.No.	Material Object Number	Description
1	Art.A	Photograph
2.	Art.B	Photograph
3.	Art.C	Photograph

JUDGMENT

(Delivered on 04/05/2026)

Accused persons are prosecuted for the offences punishable under Sections 306, 498-A, 323 and 504 read with Section 34 of the Indian Penal Code ('the IPC' for short).

The case of prosecution is summarized as under:-

2] That on 7.10.2023, the informant Bebi Arjun Rankhamb lodged report with Police Station, Amdapur contending that Sapana Vishal Kasare, daughter of informant committed suicide on 6.10.2023 by hanging herself to the iron angle with Saree in her house. The back history as in the Charge-sheet; daughter of informant namely Sapana Vishal Kasare was married to accused No.1 Vishal. In the beginning, accused Vishal and his parents treated her properly for some days. Then, deceased Sapana came to know that her husband Vishal was having illicit

relations with accused No.2 Anita. When she resisted accused Vishal for said illicit relations, accused Vishal started beating deceased Sapana, therefore, she had come to her maternal home. Then, she lodged report against accused Vishal at Mehkar police station. After some days, after giving understanding to Sapana, she was sent back to her matrimonial home. Her in-laws used to harass and abuse her on the pretext that she did not know how to do household chores. This resulted deceased in the situation which she felt insulting. It is reported that due to mental torture at the hands of accused, deceased Sapana Vishal Kasare committed suicide.

3] On the basis of the said report, Crime No.318/2023 came to be registered against the accused under Sections 306,498-A, 323 and 506 read with Section 34 of the Indian Penal Code, 1860.

4] The Investigating Officer investigated into the matter. He received P.M. report, documents relating to Marg for investigation. He collected marriage invitation card from mother of deceased. He collected copy of 8A extract and death certificate of deceased from concerned Gram Panchayat. He gave letter to JMFC,Chikhli Court for recording statement of witness under Section 164 of Cr.P.C. He arrested accused. He recorded statements of witnesses. After completion of investigation, he forwarded the Charge-sheet through Police Station, Chikhli in the Court.

5] The learned Chief Judicial Magistrate, Chikhli complied with the provisions of Section 230 of the BNSS by supplying copy of Charge-sheet to the accused. Since, the offence under Section 306 of the IPC being exclusively triable by the Court of Sessions, the learned Magistrate committed the case to the Court of Sessions, Buldhana for trial vide Section 232 of the Code of Criminal Procedure.

6] Taking into account the accusations in the charge-sheet, the charge under Sections 306, 498-A, 323, 504 read with Section 34 of the IPC (Exh.39) came to be framed and the contents thereof were read over and explained to accused in vernacular. They pleaded not guilty and claimed to be tried. Their pleas (Exh.40 to Exh.43) was recorded accordingly.

7] The prosecution examined in all 8 witnesses mentioned in part-C of the title clause. The prosecution kept its reliance on the documents mentioned in part-A of the title clause. The learned Additional Public Prosecutor closed the prosecution evidence by filing a pursis (Exh.108).

8] The statement of the accused under Section 351(1) of the BNSS came to be recorded (Exh.109 to Exh.112). The accused put-forth the defence of total denial and false implication and preferred not to lead oral or documentary evidence in their defence.

9] Heard learned APP Shri Hiwale for the prosecution. It is argued that, prosecution has amply proved the guilt of the accused persons beyond reasonable doubt by leading cogent evidence.

Per contra, learned Adv. Shri Javed Sheikh argued that, the prosecution has failed to lead the evidence which is trustworthy on the touchstones of the offence alleged.

10] On the basis of these facts, following points arise for my determination. I have recorded my findings thereon for the reasons stated below :-

Sr. No.	POINTS	FINDINGS
1.	Does the prosecution prove that on 6/10/2023 at about 12.00 a.m. at Sawarkhed Najik, Dist. Buldhana, Sau. Sapana Vishal Kasare committed suicide by hanging herself to the iron angle with the help of Saree ?	In the affirmative
2.	Does the prosecution prove that on 6.10.2023 at about 12.00 a.m. at her house, deceased Sapana Vishal Kasare committed suicide by hanging herself and accused persons in furtherance of their common intention, abetted the commission by physically and mentally harassing her and thereby committed an offence punishable under Section 306 read with Section 34 of the Indian Penal Code ?	In the negative.
3.	Does the prosecution further prove that on 06.10.2023 and prior to that accused No.1 being husband and accused Nos. 3 and 4 being parents-in-law of deceased Sapana, in furtherance of their common intention, harassed Sapana by physically and mentally on the count of illicit relations between accused Nos.1 and 2 and thereby committed an offence punishable U/s. 498-A read with Section 34 of the Indian Penal Code ?	In the negative.
4.	Does the prosecution further prove that on the aforesaid date, time and place, accused persons in furtherance of their common intention, voluntarily caused hurt to deceased Sapana and thereby committed an offence punishable under	In the negative.

	Section 323 read with Section 34 of the Indian Penal Code ?	
5.	Does the prosecution further prove that on the aforesaid date, time and place, intentionally insulted deceased Sapana and thereby gave provocation to her that such provocation will cause her to break public peace or committed any other offence and thereby committed an offence punishable under Section 504 read with Section 34 of the Indian Penal Code ?	In the negative.
6.	What order?	... As per final order.

REASONS

11] In order to bring home the guilt of accused persons, the prosecution has examined in all eight witnesses. Before appreciating the evidence, it would be just recapitulate the evidence.

SUICIDE

AS TO POINT NO. 1 :-

12] In order to prove the offence punishable U/s. 306 of the IPC, prosecution must prove that any person has committed suicide. In the present case, it needs to be established that Sau. Sapana Vishal Kasare committed suicide. The prosecution relied upon P.M. notes (Exh. 81A) of deceased Sapana. Defence has admitted P.M. notes and practically there is no challenge made to the fact that Sapana committed suicide by hanging herself to the iron angle of roof. P.M. notes indicate that death of deceased was due to 'Asphyxia' due to hanging. Beside this the other witness examined by the prosecution PW7 Sachin Prabhakar Patil, who conducted

inquiry in A.D. case No. 35/2023 which was registered upon the report lodged by PW4 Jyoti Subhash Suruse dtd. 06.10.2023. The investigating Officer in A.D. case No. 35/2023 had been to the spot of occurrence where deceased was found in hanging position. Further prosecution also examined PW2 Rajesh Bhaskar Nemade as spot panch. He acted as a panch at the instance of investigating officer. In his presence dead body of Sapana was brought down from hanging position and spot panchnama Exh. 52 and inquest panchnama Exh. 47 came to be prepared in his presence. The prosecution on the basis of evidence of panch witness and p.m. notes therefore, has proved that on 06.10.2023 Sapana committed suicide by hanging herself to iron angle. Therefore, I have not hesitation to accept that Sapana committed suicide. Therefore, I answered to point No.1 in the affirmative.

ABETMENT

AS TO POINT NOS 2 TO 5 :-

13] After proving suicide death, the burden is on the prosecution to prove that accused in furtherance of their common intention, abated by act of commission of suicide by Sapana. To establish the abetment, the ingredients of Section 107 of IPC are required to be fulfilled. Section 107 of IPC defines abetment of things. The offence of abetment is a separate and distinct offence provided in the Act as an offence;

A person abate of a thing;

1. he instigate any person to do that thing,
2. or intentionally aid for doing that thing,
3. engages with one or more other person in any conspiracy for the doing of that thing.

These things are essential to complete abatement as a Crime. The words 'instigate' literally means to provoke, incite, urge on or bring about

by the persuasion to do anything. Here, the prosecution therefore, is required to prove that all accused committed such act which instigated or compelled Sapana to commit suicide.

14] PW 1 Laxmi Rameshwar Sahane [Exh.45] deposed that on receiving phone call on 6.10.2023, she had gone to Sawarkhed Najik and found her cousin-in-law Sapana Kasare lying dead there. Police had inspected dead body of deceased and obtained her signature on intimation letter [Exh.46]. She further deposed that police prepared inquest panchnama and obtained her signature thereon.

During cross-examination, she admitted that police had already prepared panchnama and she just signed it. She further admitted that nobody was ready to sign the panchnama and therefore, she signed it and she does not know contents thereof.

15] PW 2 Rajesh Bhaskar Nemade [Exh.51] deposed that on 6.10.2023, police had called him for conducting panchnama and prepared spot panchnama [Exh.52] in his presence and obtained his signature thereon. He further deposed that police had called him for inspecting dead body by giving intimation letter [Exh.46] and had given custody of dead body to him vide possession receipt [Exh.53]. He deposed that accused No.1 wanted a son from deceased Sapana and she had already begotten two daughters and therefore on that count, accused No.1 and other accused used to harass deceased Sapana and due to such harassment, deceased Sapana committed suicide. He further deposed that accused No.1 was having illicit relations with accused No.2. He knows all accused persons.

During cross-examination, he admitted that he along his wife and mother-in-law did not lodge report to the police station on the count that accused used to harass deceased Sapana as she is not delivering a male child. He admitted that said complaint was lodged by his mother-in-law. He admitted that he did not lodge complaint anywhere on the count that accused No.1 was having illicit relations with accused No.2. He admitted that for the first time, he deposed that accused used to harass deceased Sapana as she is not delivering a male child. He further admitted that he along with his wife and mother-in-law came in the Court and discussed about what to depose before giving evidence.

16] PW 3 Bebi Arjun Rankhamb, the informant [Exh.56] deposed that deceased Sapana was her daughter and she married to accused Vishal. She is blessed with two daughters. After marriage, deceased Sapana went for cohabitation with accused Vishal. Accused Nanda and accused Dilip, her in-laws were residing with them. Initially, they treated her well for some days. Accused Vishal was having illicit relations with accused Anita. On that count, accused Vishal used to harass and beat deceased Sapana. Due to beating, deceased Sapana lodged report against accused Vishal to police station Mehkar. She further deposed that after giving understanding, deceased Sapana sent back to her matrimonial home. Her husband and in-laws used to harass and abuse her on the pretext that she does not know how to do household chores.

She further deposed that accused Anita made phone call to accused Vishal but the same was attended by deceased Sapana and asked her why she was calling her husband. She went to accused Anita's house, there had been quarrel between them. Accused Anita and accused Vishal beaten deceased Sapana there. Then, deceased Sapana returned to Mehkar and

filed report against accused at Amdapur police station.

She further deposed that there was naming ceremony of daughter of her younger son-in-law. Vishal and deceased Sapana both came to Mehkar for attending the ceremony. At that time, Sapana told informant that Vishal was beating her and living with accused Anita. So, she would not go back with him. After giving understanding, deceased Sapana was sent back. Even after returning, beating and harassment was continued.

She further deposed that one day, she received a phone call on her mobile from other side and told her that Sapana had locked jaw, so, she should come immediately. Therefore, she reached there along with her younger daughter Priyanka and found that people were gathered in front of house of accused Vishal. When she entered into the house, she found deceased Sapana hanging herself to the angle of roof with Sari. She further deposed that due to harassment at the hands of accused, deceased Sapana committed suicide. Then, she lodged report [Exh.57] to the police station.

During cross-examination, she admitted that while lodging report, her younger son-in-law and daughter were with her. She is having five daughters. Her husband expired before the marriage of deceased Sapana. She further admitted that her daughters got married after a lot of hard work and efforts. She further admitted that her son-in-laws are having good relations with each other. She further admitted that her daughter used to visit her occasionally. A quarrel between Vishal and deceased Sapana used to take place because she used to come to her maternal home. Accused Vishal used to make phone calls to deceased Sapana by saying that if she did not come, he would harm himself. She further admitted that accused used to come and fetch her back from maternal home. After next day of incident, her all daughters along with herself decided to lodge

report against accused on the count of harassment.

She further admitted that except deceased Sapana, she herself and other daughters had not lodged report against accused before the incident. On 1.12.2021, when Sapana came to Mehkar, accused Vishal followed her and insisted that she was pretending of illness and urged her to come home. At that time, informant did not send deceased Sapana with accused Vishal. Then, Vishal came to his house and made a phone call to deceased Sapana by saying that if she did not come, he would harm himself.

She further admitted that she has not lodged report regarding accused Vishal is having illicit relations with accused Anita while she was alive.

17] PW4 Jyoti Subhash Surushe [Exh.65] deposed that since 2009, she is working as Police Patil. All accused are residing in her village. On 6.10.2023, she received information that Sapana Kasare had committed suicide by hanging herself. Thereafter, she went to her house. She found that Sapana hanged herself with the Saree to iron angle. Many villagers had gathered there. Thereafter, she lodged report at Amdapur police station. Then, police reached to the spot of incident and took action.

During cross-examination, she admitted that she is having no information about the reasons behind the incident.

18] PW5 Satish Sahebrao Khadase [Exh.70] deposed that he knows accused Anita as his first wife. He further deposed that he got married Anita before 10 years ago. He met her in Pune. At that time, he was working in a Company and Anita was living near his room with her father. He further deposed that he got married with her at a temple in Alandi. He is blessed with one male child. This witness is not supporting to the case of prosecution.

He was cross-examined by the learned APP at a certain length with the permission of Court. But, nothing fruitful came out of it on record.

19] PW6 Vilas Samadhan Sahane (Exh. 71) deposed that he knows deceased Sapana Vishal Kasare. The said incident was taken place approximately before one year. He has not supported the case of prosecution. By showing his hostility, with the permission of the Court he was cross-examined at length by Ld. APP but, nothing fruitful came out of it.

20] PW 7 Sachin Prabhakar Patil [Exh.85] deposed that on 6.10.2023, he was attached at Police Station, Amdapur as API. On the same day, Jyoti Subhash Surushe lodged report of accidental death of deceased Sapana. As a result, Marg No.35/2023 was registered. On 7.10.2023, report was lodged at Police Station, Amdapur as per narration of informant. In the said report, informant stated that accused had subjected deceased Sapana to physical and mental harassment, due to that, she committed suicide.

During his cross-examination, he admitted that report was lodged on the next day of incident. He further admitted that he did not inquire whether the informant was educated or not and also admitted that name mentioned near the thumb impression on the complaint is not in his handwriting. He further admitted that he did not personally correspond regarding N.C. complaint at Police Station, Mehkar and did not conduct any inquiry based on non-cognizable offence. He further admitted that he registered offence based on Marg inquiry.

21] PW 8 Dhananjay Bhagwan Ingle [Exh.93] deposed that on 7.10.2023, he was attached at Amdapur police station as PSI. The

investigation of Crime No.318/2023 was handed over to him. During the course of investigation, he received Marg papers along with P.M. Report. Then, he addressed letter to the police station to obtain copies of non-cognizable complaints pertaining to this case. Thereafter, he recorded statements of witnesses as per their own accord. Thereafter, he arrested accused to that effect. He knows accused.

During cross-examination, he admitted that he recorded statement of informant and also admitted that report was lodged on the next day of incident. He further admitted that he did not inquire regarding the reason for the delay in lodging report. He further admitted that he did not verify the N.C. complaint produced by the accused. He further admitted that he did not inquire with independent witness from the village of accused.

22] This is not the case where deceased left behind any suicidal note in order to know the reason for which she has committed suicide. The case of the prosecution relied upon ocular evidence of PW3 Bebi Arjun Rankhamb.

23] In vernacular the deposition of PW3 Bebi Arjun Rankhamb, mother of deceased Sapana comes as under:-

माझे सर्व जावई मिळून मिसळून राहायचे. माझ्या मुली मला अधुन-मधुन भेटायला यायचे, माझी मुलगी सपना व तिचे पती यांच्यामध्ये ती माहेरी येथे या कारणावरून वाद व्हायचे. दोन तीन वेळा आरोपी विशाल हा तिला माहेरहुन घेवून गेला व सपनाला त्याने फोन करून धमकी दिली की तु आली नाहीस तर मी जिवाचे बरेवाईट करील. मी व माझ्या इतर मुलींनी घटनेआधी रिपोर्ट दिला नव्हता. दि. ०१.१२.२०२१ रोजी माझी मुलगी सपना जेव्हा मेहकरला आली त्यावेळी विशाल हा तिच्या पाठोपाठ आला व तिला तु तब्बेतीचे ढोंग करत आहे व तिला घरी चाल म्हणून आग्रह करू लागला. विशाल त्यानंतर सावरखेडला

परत गेला आणि विशालने फोन करुन माझ्या मुलीला सांगितले की, तु सासरी येवून जा व तु नाही आलीस तर मी जीवाचे बरेवाईट करुन घेईल. आरोपी विशालचे आरोपी अनिताशी अनैतिक संबंध होते याबाबत मी पोलीसांत तक्रार दिली नाही.

24] These admission given by PW3 during her cross-examination shows that, evidence of PW3 before the Court is not consistent with the report lodged by her to the police. From the testimony of investigating officer, it is revealed that he has not made inquiry in connection with (N.C) illicit relationship in between accused Vishal and Anita. It has also brought on record that he has not made inquiry with independent witness from the said village. PW4 Jyoti Subhash Suruse, Police Patil Sawarkhed deposed that she does not know the reason behind the incident. PW3 informant stated in her report ;that accused Anita made phone call to accused Vishal, her daughter Sapani asked accused Anita as to why she was calling her husband. She continued talking on the phone and went towards Anita's house. In absence of any evidence with regard to the CDR of the mobile Phone of accused Vishal and Anita cannot be said that accused Anita made phone call to accused Vishal. Mobile phone of accused are not seized. Thus, there is no absolute evidence on record to show that accused Anita contacted to accused Vishal.

25] Where the case of the prosecution solely relied upon ocular evidence, reliability of evidence of witnesses is key for determination of guilt of accused. As discussed above there is inconsistency in the testimony of PW3 Bebi and report given to the police and it is not safe to rely upon the same to make it sole basis for conviction.

26] So far as Section 498-A of IPC is concerned, to prove the guilty u/s. 498-A, prosecution has to prove the cruelty such a nature as it likely to

drive the woman to commit suicide or to cause grave injury or danger to life, limb or health whether mentally or physically or harassment with a view to coercing her or any person related to her to whom any unlawful demand or any property or valuable security on account of failure by her or any person related to her to meet such demand. Here, in the present case, after five years of the marriage deceased Sapana committed suicide. Whatever allegation made by the informant in report are the general allegations. There is no unlawful demand from the deceased Sapana in connection with dowry amount or anything. No specific instances of ill treatment are given. Without date, place and specific attribution do not constitute cruelty. Investigating officer never recorded the statement of neighbours, why the statement of neighbours were not record during investigation, no explanation is come on record. PW4 Jyoti Suruse Police Patil Sawarkhed, testified that he does not know anything.

27] The question is whether the accused person have abated Sapana to commit suicide, in the above para, already I have come to conclusion that the ocular evidence does not reveal any nexus of the accused with the incident of the commission of offence. Thus, there is no evidence on record showing that the accused intentionally, instigated or aided or facilitated the deceased to commit suicide. There is no clear evidence showing the abatement or intention of the accused, instigating the deceased to commit suicide. For proving the offence punishable under section 306 of the I.P.C., the conduct of the accused must show proximate cost of the suicide.

28] It is material to consider the judgment of Hon'ble Apex Court in case of **Amalendu Pal @ Jahntu V/s State of West Bengal (2010) 12. SCC 190** observed as follows: "Thus, this Court has consistently taken the

view that before holding an accused guilty of an offence under Section 306 of IPC, the Court must scrupulously examine the fact and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in case 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 their 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 of IPC is not sustainable.

29] In order to bring a case within a purview of Section 306 of IPC, there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the suicide must have played active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 of IPC”.

30] Considering the aforesaid judgment, the burden is on the prosecution to prove the act of accused amounting the instigation to deceased Sapanana to commit suicide. The evidence led by the prosecution falls short to prove commission of any Act on the part of all accused persons which could have lead deceased to take the drastic action such as committal of suicide. On the basis of available evidence on record, guilt of the accused cannot be said to have be proved beyond doubt.

31] In the present case, as already discussed above, the ocular evidence does not show any such drive of the accused showing that

deceased was forced to take decision of committing suicide. In such circumstances, the evidence on record is insufficient to hold that accused committed the offence punishable under Section 306 of the IPC. Accused persons therefore, deserve to be acquitted by giving benefit of doubt.

32] So far as, the offence under Section 323 and 504 of the I.P.C. is concerned, no positive evidence has been led by the prosecution. At no point of time the prosecution has succeeded in proving the same in any manner. No detailing of the intentionally insulted to deceased Sapana has been tabled on by the prosecution. The evidence lacks on material particulars which entitles the accused to be scot-free. Hence, for want of sufficient evidence, I answer point Nos. 2 to 5 under determination in negative.

POINT NO. 6 -

33] For want of factual aspect being proved, the prosecution has failed to bring home the guilt of the accused persons. Hence, responding to Point No. 6 the following order is passed.

ORDER

1. Accused No. 1] **Vishal @ Balu Dilip Kasare**, No.2] **Anita Satish Khadse**, No.3] **Dilip Govinda Kasare** and No.4] **Nanda Dilip Kasare** are acquitted of the offence punishable under Section 306, 498-A, 323 and 504 r/w 34 of the Indian Penal Code, vide Section 258 (1) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
2. The bail bonds of accused persons stand cancelled.
3. In compliance of Section 481 of the Code of Bharatiya Nagarik Suraksha Sanhita, accused are directed to furnish their personal bonds and surety bonds of Rs. 25,000/- (Rs. Twenty Five Thousand)

each which shall remain in force for a term of six months, to appear before Higher Court as and when such Court issues notice in respect of any appeal or petition filed against the Judgment of their acquittal.

4. Seized muddemal (if any), being worthless, be destroyed after the period of appeal is over.
5. The copy of Judgment be forwarded to District Magistrate, Buldana under Section 406 of the Code of the Bharatiya Nagarik Suraksha Sanhita for information.

(Dictated and pronounced in open court.)

Sd/-

Buldhana
Date- 04/05/2026

(R. K. Sharma)
Additional Sessions Judge,
Buldhana

CERTIFICATE

I affirm that the contents of this PDF Judgment are same word to word as per the original Judgment.	
Name of the Court	: District Judge-3, Buldhana.
Name of the Stenographer	: C N Mahale, Stenographer Grade-1
Date of Order	: 04.05.2026
Uploaded on	: 04.05.2026