

	Presented on : 11.12.2025
	Registered on : 11.12.2025
	Decided on : 06.05.2026
	Duration : Yr. Ms. Ds. 00 04 25

EXH. NO. 55

FORM NO. XXXII
Part 'A'

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, AT BULDHANA , DIST. BULDHANA. (Presided over by R. K. Sharma)	
	Date of Judgment :- 06/05/2026 SESSION TRIAL NO. 119/2025
	<u>F.I.R./Crime No. 18/2025</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. Vinod @ Gajanan Pundlik Shejol Age- 41 years, Occ. Agriculturist 2. Smt. Kamal Pundlik Shejol Age- 72 years, Occ., Agriculturist both r/o. Sawangi Gawali, Tq. Chikhali Dist. Buldhana
REPRESENTED BY	Advocate Shri D.P. Gothi.

Part 'B'

Date of Offence	27.01.2025
Date of FIR	05.02.2025
Date of Charge-sheet	01.12.2025
Date of framing of Charges	13.02.2026
Date of Commencement of Evidence	10.03.2026
Date on which judgment is reserved	--
Date of the Judgment	06.05.2026
Date of the Sentencing order, if any.	Nil

Accused Details

Rank of the Accused	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.	Vinod @ Gajanan Pundlik Shejol	07.02.2025	28.02.2025	Sec. 108, 85 and 352, 3(5) of BNS	Acquitted	Nil	Nil
2.	Smt. Kamal Pundlik Shejol	01.03.2025	01.03.2025	Sec. 108, 85 and 352, 3(5) of BNS	Acquitted	Nil	Nil

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

RANK	NAME	NATURE OF EVIDENCE
PW 1	Bhimrao Laxman Ingale [Exh. 23],	Informant

RANK	NAME	NATURE OF EVIDENCE
PW 2	Manda Baban Waghmare [Exh. 35],	Sister of deceased
PW 3	Siddharth Laxman Ingale [Exh.36],	Brother of deceased
PW 4	Antikabai Laxman Ingale [Exh.37],	Mother of deceased
PW 5	Nikhil Babanrao Nirmal [Exh.39]	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 – 52 and 53	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. 24	Missing Report,
2)	PW 1- Exh. 25	Missing person registration
3)	PW 1- Exh. 26	Oral report
4)	PW 1- Exh. 27	Printed FIR,
5)	PW 1- Exh. 28,	164 Statement of Bhimrao
6)	PW 5- Exh.40,	A.D. report
7)	PW 5- Exh.41,	Inquest panchanama

Sr.No.	Exhibit Number	Description
8)	PW 5- Exh.42,	Police report
9)	PW 5- Exh.43,	Letter to panchas
10)	PW 5- Exh. 44,	Duty pass
11)	PW 5- Exh. 45,	Marg,
12)	PW 5-Exh.46, 47	7/12 extracts
13)	PW 5- Exh.48	Letter to JMFC
14)	PW 5- Exh.49, 50	Arrest form

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
	Nil	Nil

JUDGMENT

(Delivered on 06/05/2026)

Both the accused are prosecuted for the offences punishable under Sections 108, 85, 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('the BNS' for short).

The case of prosecution is summarized as under:-

2] On 05.02.2025, the informant Bhimrao Laxman Ingale

lodged report with Police Station, Amdapur stating that deceased was his sister Prabhavati, who committed suicide. The back history as in the charge-sheet, marriage of Prabhavati was solemnized with accused No.1 Vinod. Out of this wedlock, they are blessed with two kids namely Sumit and daughter Ashwini. Accused Vinod was addicted to alcohol. Accused Vinod and Accused No.2 were used to doubt her character. After giving understanding the matter was pacified. On 27.01.2025 he received a phone call from his brother Siddharth informing him that accused Vinod was beating deceased Prabhavati over a dispute regarding the sell of agricultural land. On 29.01.2025 informant received phone call from his brother Siddharth that accused was inquiring whether Prabhavati had come to her matrimonial home and stated that Prabhavati had left his house. On 02.02.2025, he received a phone call from the Amdapur police station informing that the dead body was found floating into the Well located in the field of one Ganesh Rokade. It is reported that due to harassment at the hands of accused, Prabhavati committed suicide. Then he lodged report against accused at Amdapur police station.

3] On the basis of the said report, Crime No.18/2025 came to be registered against the accused under Sections 108, 85, 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023

4] The Investigating Officer investigated into the matter. He received P.M. report, documents relating to Marg for investigation.

He collected copy of 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 108 of the BNS 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 BNSS.

6] Taking into account the accusations in the charge-sheet, the charge under Sections 108, 85, 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 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.20 and Exh.21) was recorded accordingly.

7] The prosecution examined in all 5 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.51).

8] The statement of the accused under Section 351(1) of the BNSS came to be recorded (Exh.52 to Exh.53). 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 D.P Gothi 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 02/02/2025 at about 03.00 p.m. in Gat No. 65/2 of village Sawangi Gawali Tq. Chikhali Dist. Buldhana, Prabhavati Vinod Shejol committed suicide by jumping into the Well ?	In the affirmative
2.	Does the prosecution prove that on 02.02.2025 Prabhavati committed suicide by jumping into the Well and both the accused in furtherance of their common intention, abetted the commission by physically and mentally harassing her on account of sell of 8 Guntha land and thereby committed an offence punishable U/s. 108 read with Section 3(5) of the BNS?	In the negative.

3.	Does the prosecution further prove that accused No.1 being husband, accused Nos. 2 being mother-in-law of deceased, in furtherance of their common intention, subjected deceased with cruelty which was of such a nature likely to driver her to commit suicide and thereby committed an offence punishable under Section 85 read with Section 3 (5) of the BNS?	In the negative.
4.	Does the prosecution further prove that on the same time, accused in furtherance of their common intention, intentionally insulted deceased Prabhavati 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 352 read with Section 3(5) of BNS ?	In the negative.
5.	What order?	... As per final order.

REASONS

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

Suicide

AS TO POINT NO. 1 :-

11] In order to prove the offence under Section 108 of BNS, prosecution must prove that any person has committed

suicide. In the instant case, it needs to be established that Prabhavati Vinod Shejol committed suicide. The prosecution relied upon PM Notes (Exh.33) of deceased Prabhavati, A.D. report (Exh 40). Inquest panchanama (Exh.30). Defence has admitted PM Notes and practically there is no challenge made to the fact that Prabhavati Committed suicide by jumping into the well. PM Notes indicate that death of deceased was due to 'Asphyxia' due to drowning into the well. The prosecution on the basis of evidence of investigating officer and PM notes therefore, has proved that on 29/01/2025 Prabhavati Committed suicide by jumping into the well. Therefore, I answered to point no.1 in affirmative.

Abetment

AS TO POINT NO. 2 AND 3 :-

12] After proving suicidal death, the burden is on the prosecution to prove that accused in furtherance of their common intention, abetted the act of commission of suicide by Prabhavati. To establish the abetment, the ingredient of section 45 of the BNS are required to fulfilled. Section 45 of the BNS defines abetment of thing. The offence of abetment is a separate and distinct offence provided in the Act as an offence.

A person abets of a thing when

1. He instigate any person to do that thing.
2. Engages with one or more other person in any conspiracy for the bring of that things or
3. Intentionally aid for doing that thing.

These things are essential to complete abatement as a crime. The words “instigate” literally means to provoke, incite, urge on or brings about by the persuasion to do any thing. Here, the prosecution, therefore is required to prove that all accused committed such act which instigated or compelled Prabhavati to commit suicide.

13] PW1 informant Bhimrao Laxman Ingale (Exh.23), his evidence reveals that deceased Prabhavati was his sister. Her marriage solemnized with accused Vinod. Out of this wedlock they are blessed with two kids namely Sumit and daughter Ashwini. Accused Vinod was addicted to alcohol. Accused Vinod used to doubt her character by beating her. After giving understanding the matter was pacified. He further deposed that on 27.01.2025 he received a phone call from his brother Siddharth informing him that accused Vinod was beating deceased Prabhavati over a dispute regarding the sell of agricultural land. He observed that deceased Prabhavati sustained injuries. At that time, deceased told him that accused had assaulted her due to objection to sell the agricultural land. On 29.01.2025 informant received phone call from his brother Siddharth informed that accused was inquiring whether Prabhavati had come to her matrimonial home, stating that deceased left his house. Thereafter, informant reached at matrimonial home of deceased Prabhavati at Pen Sawangi to search for her. As deceased Prabhavati could not be found,

informant lodged missing report at Amdapur Police station, (Exh.24). On 02.02.2025 he received a phone call from the Amdapur police station informing that the dead body was found floating into the Well located in the field of one Ganesh Rokade. Funeral rites were performed at her maternal home in Chorpangra. Then he lodged report against accused at Amdapur police station dtd. 05.02.2025 (Exh. 26). He further deposed that due to harassment at the hands of accused, Prabhavati committed suicide.

In his cross-examination he admitted that neither deceased Prabhavati nor informant lodged the report against the accused persons regarding harassment at the hands of accused while deceased Prabhavati was alive to the police station. He further admitted that agricultural land stands in the name of accused. He further admitted that the said agricultural land has been transferred in the name of deceased Prabhavati's son as per say of informant. While giving statement to the police, he did not mention that on 27.01.2025 when informant visited the deceased at matrimonial home, he observed that she had sustained injuries.

14] PW2 Manda Baban Waghmare (Exh. 35) sister of deceased, testified on the same line as that of the informant PW1 Bhimrao. During her cross-examination she admitted that she had not lodged written complaint against accused persons to the police regarding harassment at the hands of accused persons

while deceased was alive. He further admitted that accused are taking care of the children of deceased. She admitted that she was having grudge against accused due to commission of suicide of deceased Prabhavati.

15] PW3 Siddharth Laxman Ingale brother of deceased (Exh. 36) and PW4 Antikabai Laxman Ingale (Exh. 37) mother of deceased, they deposed on the same line as that of the informant PW1 Bhimrao.

PW3 Siddharth and PW4 Antikabai, their evidence reveals that they did not file any complaint anywhere against accused at the hands of accused while deceased Prabhavati was alive. They further admitted that accused are taking care of son and daughter of deceased Prabhavati. They further admitted that agricultural land has been transferred in the name of child of deceased Prabhavati.

16] PW5 Nikhil Babanrao Nirmal (Exh.39) acted as an investigating officer. He deposed that investigation of Crime No. 18/2025 was handed over to him. On 02.02.2025 Ganesh Rokade lodged A.D. report at Amdapur police station stating that deceased Prabhavati had died due to drowning in water. A.D. was registered (Exh. 40). Then inquest panchanama was prepared by ASI Tonde, it bears his signature Exh. 41). Then ASI Tonde prepared spot panchanama. It bears his signature. He identified the sign of ASI Tonde. Then PSI Rathod effected the arrest of accused.

In his cross-examination he admitted that informant lodged report 4th day next after incident. He has not made inquiry regarding delay in lodging FIR towards informant. Spot panchanama was not prepared after registration of Crime.

17] This is not the case where deceased Prabhavati left behind any suicidal note in order to know the reason for which she has committed suicide. The case of prosecution relied upon the ocular evidence of PW1 Bhimrao, PW2 Manda, PW3 Siddharth and PW4 Antika.

18] On careful scrutiny of the entire oral and documentary evidence adduced by the prosecution, it appears that the charge against the accused rest mainly upon the evidence of PW1, PW2, PW3 and PW4. The other witnesses are formal and have no direct knowledge of occurrence. All the above witnesses have occasion to observe the day to day activities of the deceased Prabhavati. Prima facie it seems that there was a quarrel in between accused Vinod and deceased Prabhavati regarding the sell of agricultural land.

19] In vernacular in deposition of PW1 Bhimrao Ingale, brother of deceased comes as under;

प्रभावती आत्महत्या करेपर्यंत तिचा आरोपी शारिरीक आणि मानसिक छळ करतात याविषयी तिने किंवा मी पोलीस स्टेशनला फिर्याद दिली नाही. शेती ही आरोपीच्या नावाने होती, ती शेती प्रभावती हिच्या मुलाच्या नावाने आमचे म्हणण्यानुसार केली आहे.

20] In vernacular in deposition of PW2 Manda Waghmare, sister of deceased comes as under;

प्रभावती आत्महत्या करेपर्यंत आरोपी मयत प्रभावतीला शेतीच्या कारणावरून वाद घालून मारहाण करीत होते याविषयी मी किंवा माझ्या कुटुंबातील लोकांनी पोलीसांत तक्रार केली नाही. प्रभावतीच्या मुलाचा सांभाळ आरोपी करीत आहे. माझ्या बहीणीने आत्महत्या केल्याने आरोपी विरोधात माझ्या मनात आकस निर्माण झाला होता.

21] In vernacular in deposition of PW3 Siddharth Ingale, brother of deceased and PW4 Ankitabai, mother of deceased comes as under;

आरोपी प्रभावती हिला त्रास देत असल्याची तक्रार मी कोणत्याही पोलीस स्टेशनला किंवा न्यायालयात केली नाही. प्रभावती हिच्या मुलाचा सांभाळ आरोपी करीत आहे. आरोपींनी प्रभावतीच्या मुलाच्या नावाने जमीन करून दिली आणि अजुनही त्यांचेच नावे आहे.

22] These admission given by informant PW1, PW2, PW3 and PW4 during their cross-examination clearly shows that there is no nexus of the accused with the incident of the commission of suicide. Thus, there is no evidence on record showing that the accused intentionally instigated or aided or facilitated the deceased to commit suicide.

23] PW1, PW2, PW3 and PW4 did not utter a single word regarding the harassment at the hands of accused persons. It has also brought on record that deceased Prabhavati herself and her family members have not lodged report regarding harassment to police when she was alive. PW2 Manda admitted in her cross-examination that she

was having grudge against accused due to commission of suicide by her sister.

24] It has also brought on record in the evidence of PW5 I.O. that report lodged after 4 days next of the occurrence. He has not made inquiry towards complainant regarding delay in lodging report. The delay in lodging FIR who raise considerable doubt regarding the veracity of evidence of witnesses and the infirmity in the evidence who rendered its concept to base the conviction. The evidence of above witnesses does not show any nexus of accused with the incident. In such circumstances, it is unsafe to rely on the evidence when there is delay in lodging FIR.

25] So far as, Section 85 of BNS is concerned to prove the guilty under section 85 of BNS prosecution has to prove the cruelty such a nature as is likely to drive the women 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 for 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 there is no any unlawful demand or any amount. No specific instances of ill treatment 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 recorded during the investigation, no explanation is come on record.

26] The question is whether the accused person have abated Prabhavati 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 108 of the BNS, the conduct of the accused must show proximate cost of the suicide.

27] 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 (108 of BNS), 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 (108 of BNS) is not sustainable.

28] In order to bring a case within a purview of Section 108 of BNS, 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 108 of BNS”.

29] Considering the aforesaid judgment, the burden is on the prosecution to prove the act of accused amounting the instigation to deceased Prabhavati 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.

30] In the present case, as already discussed above, the ocular evidence does not show any such drive of the accused showing that the deceased was forced to take decision of committing suicide. In such circumstances, the evidence on record is insufficient to hold that the accused committed the

offence punishable under Section 108 of the BNS. Accused persons therefore, deserve to be acquitted by giving benefit of doubt. Hence, I answered Point No.2 and 3 in the negative.

POINT NO. 4 -

31] So far as, the offence under Section 352 of the BNS 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 Prabhavati 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 No. 4 under determination in negative.

POINT NO. 5 -

32] 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. 5 the following order is passed.

ORDER

1. Accused No.1] **Vinod @ Gajanan Pundlik Shejol** and accused No. 2] **Kamal Pundlik Shejol** are acquitted of the offence punishable under Section 108, 85 and 352 r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023, vide Section 258 (1) of the Bharatiya Nagrik Suraksha Sanhita.
2. The bail bonds of accused persons stand cancelled.

3. In compliance of Section 481 of the BNSS of the Code of Criminal Procedure, accused are directed to furnish their personal bond and surety bond of Rs. 25,000/- (Rs. Fifteen Thousand Only) each which shall remain in force for a term of six months, to appear before Higher Court as and when such Court issues n otice 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 BNSS for information.

(Dictated and pronounced in open court.)

Buldhana
Date : 06.05.2026

Sd/-
(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	: 06.05.2026
Uploaded on	: 06.05.2026