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FORM NO.XXXII

PART – ‘A’

(Title Page of Judgment)

[Para 44(i) of Chapter VI of Criminal Manual]

	<u>IN THE COURT OF ADDITIONAL SESSIONS JUDGE,</u> <u>OMERGA, DISTRICT : DHARASHIV</u> Present – M. R. Deshpande, [Sessions Case No. 17/2022] Exh. 100
	(Details of FIR/Crime and Police Station) FIR No.196/2021 Under Sections 306, 341, 504, 506 r/w.34 of the Indian Penal Code Police Station- Lohara, Tal.Lohara, Dist.Dharashiv.
COMPLAINANT	State of Maharashtra , Through- Police Station, Lohara, Tal. Lohara, Dist. Dharashiv.
REPRESENTED BY	APP Shri. S.M.Deshpande
ACCUSED	1 Umesh Baburao Birajdar, Age- 56 yrs, R/o. Tavashigad, Tal. Lohara, Dist. Dharashiv, A/p. Plot No.13, Pratham Society, Sy.No.210, Near Police Line Wakad, Pune. 2 Pandurang Anand Giri, Age- 35 yrs, R/o. Kate Chincholi, Tal. Lohara, Dist. Dharashiv. 3 Anand Dattu Giri, Age- 59 yrs, R/o. Kate Chincholi, Tal. Lohara, Dist. Dharashiv. 4 Indubai Anand Giri, Age- 45 yrs, R/o. Kate Chincholi, Tal. Lohara, Dist. Dharashiv. 5 Kamalbai Bhalchandra Pawar, Age- 73 yrs,

	R/o. Tavashigad, Tal. Lohara, Dist. Dharashiv. 6 Dadasaheb Bhalchandra Pawar, Age- 22 yrs, R/o. Tavashigad, Tal. Lohara, Dist. Dharashiv.
REPRESENTED BY ACCUSED NO.1	Advocate Shri. R.R.Patil
REPRESENTED BY ACCUSED NO.2 TO 6	Advocate Shri. R.M.Ingale

PART- 'B'.

[Para 44(ii) of Chapter VI of Criminal Manual]

Date of offence	15/03/2019 to 19/08/2021
Date of FIR	11/09/2021
Date of charge-sheet	22/12/2021
Date of framing of charge	21/01/2023 & 04/02/2023
Date of commencement of evidence	10/02/2026
Date of Argument	13/07/2026
Date on which judgment is reserved	---
Date of Judgment	27/07/2026
Date of the sentencing order, if any	As per final order.

ACCUSED DETAILS.

Rank of accused	Name of accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during the trial for purpose of Sec. 468 of B.N.S.S.
1	Umesh Baburao Birajdar	29/09/2021	Anticipatory Bail	U/s. 306, 341, 504, 506 r/w.34 of IPC	Acquitted	--	--
2	Pandurang Anand Giri	01/10/2021	Anticipatory Bail		Acquitted	--	--
3	Anand Dattu Giri	01/10/2021	Anticipatory Bail		Acquitted	--	--
4	Indubai Anand Giri	01/10/2021	Anticipatory Bail		Acquitted	--	--
5	Kamalbai Bhalchandra Pawar	14/10/2021	Anticipatory Bail		Acquitted	--	--
6	Dadasaheb Bhalchandra Pawar	14/10/2021	Anticipatory Bail		Acquitted	--	--

PART-C.

[Para 44 (iii) of Chapter VI of Criminal Manual]

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES.

A. Prosecution-

Rank	Name	Nature of evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
PW-1	Savita Aabaji Birajdar	Informant
PW-2	Gundu Sambhaji Jadhav	Seizure Panch
PW-3	Rushikesh Aabaji Birajdar	Son of informant
PW-4	Radha Aabaji Birajdar	Daughter of informant
PW-5	Sunilkumar Pandharinath Kakade	Investigating Officer

B. Defence witnesses, if any

Rank	Name	Nature of evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
-	-	-

C- Court witnesses, if any

Rank	Name	Nature of evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
-	-	-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS.

A- Prosecution.

Sr.No.	Exhibit No.	Description
1.	53	Complaint
2.	58	Spot Panchanama
3.	59	AD Report
4.	60	Letter dated 21.08.2021 regarding opinion of postmortem
5.	61	Inquest Panchanama
6.	62	Provisional cause of death certificate
7.	63	Postmortem Report
8.	66	Seizure Panchanama of register
9.	78	Seizure Panchanama of chit

10.	79	Letter dated 25.10.2021 of IO to CA
11.	80	Letter dated 25.10.2021 of IO
12.	81	Letter dated 25.10.2021 of IO
13.	82 to 87	Arrest panchanama of accused No.1 to 6
14.	88 & 89	C.A. Reports

B- Defence.

Sr.No.	Exhibit No.	Description
-	-	-

C- Court Exhibits

Sr.No.	Exhibit No.	Description
-	-	-

D- Material Objects

Sr.No.	Exhibit No.	Description
1	Article A1	Photograph of spot of incident

J U D G M E N T

(Delivered on 27th July, 2026)

The accused No.1 to 6 are facing trial for the offences punishable under Sections 306, 341, 504, 506 r/w.34 of the Indian Penal Code (the IPC).

Brief facts of the prosecution case are as under.

2. The informant Savita Aabaji Birajdar was married with Aabaji Birajdar (Since deceased). They have son namely Rushikesh (PW-3) and daughter Radha (PW-4). Aabaji had 8 acre land at

Tavshigad. Out of the said land, he had mortgaged 1 acre land with Kamlabai Bhalchandra Pawar (accused no.5) for loan amount of Rs.4,00,000/- on condition of reconveyance after four years on payment of Rs.4,00,000/-. It is alleged that Indrajeet Anand Giri had from time to time getting drunk Aabaji and got executed a bond in respect of plot no.3+1/2 area 2000 square feet in his name, even though the informant and her children had resisted for the same. The informant had filed civil suit in the Lohara court in respect of the said plot. It is further alleged that there is agricultural field of Umesh Birajdar-(accused no.1) adjacent to the field of the informant. Accused no.1 had locked the road by installing gate on the common road to approach field of the informant. Due to the said locked gate, the Aabaji had difficulty to cultivate his field.

3. It is alleged that on 9.8.2021 the informant, her children, Aabaji and Gundu Sambhaji Jadhav (PW-2) were present in the house. At that time, accused no.2 Pandurang Giri, accused no.3-Anand Giri, and accused no.4-Indubai Giri came in the house and demanded Rs.3,00,000/-. They also threatened to take possession of the plot if the amount of Rs.3,00,000/- is not refunded. They insulted Aabaji, due to which he was frustrated and he was thinking of suicide. Informant and Aabaji were demanding back his land to accused Kamalbai and

Dadasaheb Pawar. However, they were demanding Rs.8,00,000/- to reconvey the land. Aabaji was frustrated as the land could not be reconvened due to their interest of the loan.

4. On 19.8.2021, the informant was present in the house while Aabaji was sleeping in the bed room. Rushikesh (PW-3) and Radha (PW.4) had gone to the house of her brother in law Balaji Birajdar. At around 6:30 pm, Radha (PW-4) returned to the house and saw that Aabaji was sitting on the bed. There was one insecticide bottle and a glass on the bed. When she came closure to Aabaji, she sensed foul odor of insecticide emanating from mouth of Aabaji. She asked Aabaji for reason of consuming the insecticide. At that time, he told that accused Umesh Birajdar has harassed him by obstructing the way to agricultural field, accused Kamalabai and Dadasaheb Pawar have intention to grab the land by charging interest on the loan and accused Pandurang Giri, Anant Giri and Indubai Giri insulted him by making commotion in the house. Therefore he has committed suicide. The informant called Rushikesh (PW-3) and her nephew Shriniwas Birajdar. They called Dr.Manale from Makhni. He advised to carry Aabaji at Omerga for further medical treatment. Then Aabaji was admitted in the hospital of Dr. Vijay Patil at Omerga. On examination, Dr. Vijay Patil advised to carry Aabaji at Solapur. Then, on 20.8.2021

he was admitted in Yashodhara Hospital, at Solapur. He died on 21.8.2021 in the hospital. Then, during cleaning of the house, the informant found one chit in diary written by Aabaji. In the said chit, Aabaji had written that accused Umesh Birajdar has been harassing by locking and blocking the road to access his agricultural field. Hence, he is committing the suicide. The informant then filed first information report against the accused alleging abatement of suicide of Aabaji.

5. On the basis of the FIR, Crime No. 196/2021 for the offences punishable under Sections 306, 341, 504, 506 r/w.34 of IPC was came to be registered. Assistant Police Inspector, Sunilkumar Pandharinath Kakade (PW-5) carried out investigation in this case. He recorded statements of the witnesses. He carried out panchanama of the spot of incident in presence of panch witnesses. He seized register and chit under seizure panchanama. He sent viscera of the deceased for chemical analysis. He sent seized register and chit of the deceased for Hand Writing Expert opinion. On completion of the investigation, he filed charge-sheet against the accused.

6. The charge (Exh.36 & 40) was came to be framed against the accused. They pleaded not guilty vide Exh.37, 38, 39, 41, 42 and 43. The statement of the accused as per section 351 of the B.N.S.S.

(Exh.91 to 96) were came to be recorded. Defence of the accused was of total denial and false implication.

7. The points for determination along with reasons and findings thereon as under -

	POINTS	FINDINGS
1.	Does the prosecution prove that accused no.1 by installing locked gate obstructed way of deceased Aabaji Birajdar to approach his agricultural field, accused no.2 to 4 created ruckus for demand of Rs.3,00,000/- and to take possession of the plot of deceased Aabaji Birajdar, if Rs.3,00,000/- not paid, accused no.5 & 6 demanded Rs.8,00,000/- for re conveyance of the land. Thus the accused in furtherance of their common intention threatened and harassed deceased Aabaji Birajdar and thereby abetted him to commit suicide ?	No.
2.	Does the prosecution prove that the accused no.1 wrongfully restrained to the deceased Aabaji Birajdar by locking the cart way to approach his agricultural field ?	No.
3.	Does the prosecution prove that the accused in furtherance of their common intention, intentionally insulted the deceased Aabaji Birajdar and thereby gave him provocation intending that such provocation will cause him to break the public peace ?	No.
4.	Does the prosecution prove that the accused in furtherance of their common intention, threatened to deceased Aabaji Birajdar with injury to his person and committed criminal intimidation with intent to cause alarm ?	No.
5.	What order ?	: The accused are acquitted.

8. Heard learned APP, learned advocate for accused no.1 and accused nos. 2 to 6.

REASONS
AS TO POINT NO.1 :-

9. The prosecution examined informant Savita (PW-1) . She has deposed that Aabaji was her husband. He had 8 acres of land. He had borrowed Rs.4,00,000/- from accused no.5-Kamalbai. Aabaji had mortgaged one acre land with Kamalbai. Indrajeet Giri had intention to grab 2.5 guntha plot owned by Aabaji. He was taking signature of Aabaji without telling him the reason for signature. Accused Umesh Birajdar has agricultural field adjacent to their field. He had installed iron gate with lock. Due to which, Aabaji could not complete agricultural related work in time. Accused no.3 Anand Giri, accused no.2-Pandurang Giri, and their mother Indubai had came to their house and created ruckus for demand of money. They were threatening to give the amount then and then only or to register the plot in their name. Thus, the accused were harassing Aabaji for the reasons mentioned above. He could not tolerate said harassment. On fateful day, Radha (PW-4) found that Aabaji had consumed insecticide in the house. He was taken to Dr. Vijay Patil at Omerga and then at Yashodhara Hospital, Solapur. He died in Civil Hospital, Solapur. She found three chits in the diary of her husband. In the said chit, he had written that due to the harassment at the hands of accused Umesh Birajdar, he has committed suicide. She had submitted said chits in the police station. After conclusion of the post death ritual, she filed first information report(Exh.53) in the police station.

10. It has come in her cross examination that Aabaji was suffering with liver disease prior to four to five months of the

incident. He was suffering with liver disease due to consumption of the liquor. She admitted that Aabaji had unpaid loan and due to the demand of said unpaid loan, he was under tension. She admitted that she and her children were persistently asking Aabaji not to drink liquor. She had carried the chits to the police station at the time of filing of the FIR. Till filing of the FIR, she had not filed any complaint against the accused.

11. In the cross examination on behalf of accused nos. 2 to 6, she admitted that in the year 2001 , Aabaji had sold the land to Baburao Birajdar due to financial crisis. Aabaji was taking treatment in the Ashwini Hospital at Solapur for liver disease. Aabaji had loan of society when he died. Aabaji had entered into transaction of 2.5 guntha land with Indrajeet Giri and the accused had no concern with the said transaction. He had told to the police that the accused had said to her to give the money right now or to register the plot in their name and they created ruckus in the house.

12. Rushikesh (PW-3) is son of Aabaji and the informant. He has corroborated evidence of the informant on material particulars of the transactions of accused with Aabaji in respect of open plot, agricultural field and obstruction of the way to the field by accused no.1 and consequent harassment at their hands. He deposed that he along with his sister Radha (PW-3) had gone to the house of their uncle Balaji Birajdar. They heard cry of the informant and then suddenly rushed towards their house. He had seen bottle of insecticide and glass lying near Balaji. He told that due to the harassment at the hands of the accused he has consumed the insecticide. He had handed over a register and two to three chits to the police. It has come in cross examination that Aabaji was addicted to the liquor and due to the said

addiction, he was suffering with liver disease. He was to be carried to Solapur for medical treatment and due to the said treatment he was in financial crisis. The transaction related the plot was entered with Indrajeet Giri. He has filed suit against Indrajeet Giri and in the said suit he contended that Aabaji was addicted to liquor and gambling. There is no compound to agricultural field of accused Umesh Birajdar and their agricultural field.

13. Radha (PW-4) is daughter of Aabaji and the informant. She has corroborated evidence of the informant in respect of allegation of harassment of Aabaji at the hands of the accused. She deposed that on 19.8.2020, she along with Rushikesh (PW-2) had gone to the house of her uncle Balaji Birajdar. She noticed that Aabaji was sitting in a room and strong odor was coming from the room. She called informant and Rushikesh (PW-2). Aabaji had consumed insecticide. He was admitted in the hospital and he expired in Government Hospital at Solapur. The informant found one chit in the room. In the said chit, it was written that accused no.1 is not allowing Aabaji to use the road to approach his field. and he has installed a lock on a gate. She denied that Abaji was addicted drinking of liquor and due to the said addiction, his liver was damaged.

14. Seizure panch witness Gundu(PW-2) is father of the informant. He deposed that on 23.10.2021 , he was called by police station, Lohara for panchanama. Rushikesh (PW-3) was present in the police station. He had submitted register maintained by Aabaji. In the said register, he was maintaining record of the transaction related to the agricultural field. The police seized register as per seizure panchanama vide Exh.66.

15. SunilKumar (PW-5) had carried out the investigation. He carried out panchanama of the spot of incident(Exh.58). He seized one chit as per seizure panchanama vide Exh.78. He seized old register maintained and written by Aabaji, as per seizure panchanama vide Exh.66. He has sent seized chit and the register maintained and written by Aabaji to Handwriting Expert at Aurangabad as per letter vide Exh.80. He obtained postmortem report of the deceased. It has come in cross examination that it was revealed in investigation that accused Umesh Birajdar did not obstruct way of Aabaji and there was no dispute relating to the said road. Certain material omission were put to him in the cross examination. He deposed that the informant did not tell that the accused asked her to pay the money right now or to register the plot in their name. Rushikesh (PW-3) did not state that Aabaji was under tension due to insistence of the accused to pay the amount right now. Radha (PW-4) did not state that Aabaji had mortgaged the land with accused Kamalbai for loan amount of Rs.4,00,000/-. She did not state that accused Pandurang by getting Aabaji drunk got transferred the plot in his name.

16. The accused have admitted inquest panchanama(Exh.61), provisional cause of death certificate(Exh.17) and postmortem report vide Exh.63. The postmortem report of Aabaji states that Aabaji died due to poisoning. The accused have not disputed that Aabaji had committed suicide by consuming insecticide.

17. Learned advocate for the accused no.1 and no.2 to 6 submitted that the F.I.R discloses the different set of allegations against each accused. In such circumstances, section 34 of the Indian Penal Code has no application. As per case of the prosecution, Aabaji

consumed insecticide while he was present in the house and he told to the informant that due to harassment at the hands of the accused, due to the dispute relating to the plot, agricultural field and way to the field, he has consumed the poison. However, there is inconsistency in the evidence of the informant, Rushikesh (PW-2) and Radha (PW-3) regarding alleged oral dying declaration of Aabaji. He submitted that there is delay in filing of the FIR. The chit and register allegedly disclosed in reason of the suicide is not produced in the case and it is not proved. The Hand Writing Expert Report is not submitted in the case. Aabaji was addicted to liquor, he was suffering with liver disease, he was in financial distress due to his treatment of liver ailment and loans. The prosecution has not proved direct or indirect act of incitement to the commission of the suicide of Aabaji. In support of his submissions, he relied on *Udaysing Vs. State of Hariyana* (2019) 17 SCC ,301 , the Hon'ble Apex Court has observed that,

“16 . In cases of alleged abetment of suicide, there must be a proof of direct or indirect act/s of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behavior and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act/s of incitement to the commission of suicide. In the case of suicide mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each

case.

16.1 For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad,urge forward, provide, incite or encourage to do an act. If the person who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of [Section 306 IPC](#). If the accused plays an active role in tarnishing the self esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.”

18. In the case at hand, the accused are facing allegations of different set of abetment to the suicide of Aabaji. It is alleged against accused no.1 Umesh Birajdar that his field is situated near the field of Aabaji. Aabaji and his family members were using the cart-way from the field of accused Umesh Birajdar. However, he installed gate on the road and also locked the road. Due to the said lock, Aabaji could not cultivate his land and was not able to complete agricultural related

works within time. For the said reason, he was frustrated and was under psychological pressure. After suicidal death of Aabaji, while cleaning his room, informant Savita (PW-1) found three chits and in the said chit, Aabaji had written that due to the harassment at the hands of accused Umesh Birajdar it is committing the suicide. She had given said chits to the police station. Seizure panchanama (Exh.78) shows that one chit was recovered from the room of Aabaji. Thus, there is inconsistency in the evidence of Savita (PW-1) regarding place and number of the chits allegedly written by Aabaji. As per the letter vide Exh.80, the said chit was sent to the Hand Writing Expert CID, Aurangabad. However, it appears that the report of Hand Writing Expert is not yet submitted. In such circumstances, the prosecution failed to establish that the said chit indicting accused no.1 for commission of suicide of Aabaji, was written by him prior to his suicide. In so far as, alleged obstruction by accused no.1 to the cart road of Aabaji is concerned, Sunilkumar (PW-5) has admitted in the cross examination that it was revealed in his cross examination that accused Umesh Birajdar never obstructed the road used by Aabaji and no dispute was took place due to the said reason. Moreover, obstruction of the road in agricultural field is dispute of civil nature. Aabaji could have approached Tahsildar to re-open the road allegedly closed by accused no.1-Umesh Birajdar. For the said reason, extreme step like commission of the suicide is not expected from similarly placed person. With this discussion, I hold that the prosecution has failed to establish that accused no.1 abetted Aabaji to commit the suicide.

19. It is allegation by the prosecution that, Aabaji owned plot number 3+1/2 area 2000 square feet in the village Kathe

Chincholi. One Indrajeet Anant Giri had by getting drunk to Aabaji got transferred said plot in his name for consideration of Rs.3,00,000/-. The informant has filed civil suit against Indrajeet Giri in respect of the said plot. It is alleged that on 9.8.2021 accused no.2 Pandurang Giri , accused no.3-Anand Giri and accused no.4-Indubai Giri had came to the house of Aabaji, demanded Rs.3,00,000/- and created ruckus. They insulted Aabaji in front of Gundu (PW-2), father of the informant. Hence, he was frustrated and saying that he will commit the suicide. Thus, according to the prosecution accused no.2,3 and 4 have also induced Aabaji to commit suicide.

20. In pursuance of this allegation, it has come in the cross examination of Savita (PW-1) that the transaction related to the plot was executed with Indrajeet Giri and not with the accused no.2, 3 and 4. She has stated in the cross examination that she told the police that accused had threatened Aabaji to give the amount right now or to convey the plot in their name. However, the F.I.R. does not contain said statement. Sunilkumar (PW-5) has stated that she did not state so at the time of recording of the statement. Thus, the omission is duly proved. Rushikesh (PW-3) has stated that a transaction relating to the plot was took place with Indrajeet Giri. As discussed earlier transaction relating to the plot was came to be executed with Indrajeet Giri and the accused had no concerned with the said transaction. Rushikesh (PW-3) has stated that they have filed suit against Indrajeet Giri in respect of the said plot. In such circumstances, it becomes clear that the transaction relating to the plot was executed with Indrajeet Giri and he is not accused in this case. Thus, the prosecution has failed to prove that the accused no.2 to 4 had instigated Aabaji to commit suicide.

21. It is the case of prosecution that Aabaji had 8 acres of land at Tavshigad, out of the said land, he had mortgaged 1 acre land with accused no.5 Kamalbai. After expiry of four year, Aabaji was requesting accused Kamalbai Pawar and accused no.6-Dadasaheb Pawar to accept Rs.4,00,000/- and to reconvey the land. However, they were demanding Rs.8,00,000/- along with interest. Due to the said reason, Aabaji was frustrated as he thought that accused no.5 & 6 will grab the land by charging the interest. He was continuously thinking of to commit suicide. In this respect, it has come in cross examination Savita(PW-1) that in the year 2001 Aabaji had sold 1 acre land due to financial crises. It has come in the evidence of Savita (PW-1) and Rushikesh (PW-3) that Aabaji was addicted to liquor, his liver was damaged, he was taking treatment for liver ailment in Ashwini Hospital at Solapur and due to the said reason he was in financial distress. The circumstances aforementioned indicates that Aabaji was not in position to repay alleged mortgage amount of Rs.4,00,000/- to accused no.5- Kamalbai. The dispute relating to the transaction of mortgage of the land with accused no.5-Kamalbai was in the nature of civil litigation. Aabaji had remedy to file suit for redemption of mortgage of the land or for re-conveyance of the land. Allegation of the prosecution that accused no.5 and 6 were demanding Rs.8,00,000/- for re conveyance of the land, is not sufficient to hold that it was reason of abetment to the suicide of Aabaji.

22. As per the prosecution case, on the day of incident of the suicide, informant Savita(PW-1) had gone to the field while Rushikesh (PW-3) and Radha (PW-4) had gone to the house of her uncle Balaji Birajdar. Savita (PW-1) returned to the house, Radha (PW-4) was also returned and she sensed foul odor of medicine from

the room of Aabaji. She called Aabaji, however, she found that he had consumed insecticide. Then, she called Rushikesh (PW-3) and her nephew Shriniwas Patil. They had carried Aabaji to the hospital for the treatment. Rushikesh (PW-3) deposed that he along with Radha(PW-4) had gone to the house of their uncle Balaji Birajdar, suddenly they heard hue and cry of the informant and then rushed to their house. They found that Aabaji had consumed insecticide in his room. He further deposed that Aabaji told him that due to the harassment at the hands of the accused for the reason mentioned above he has consumed insecticide. In the cross examination, he admitted that when they returned home, Aabaji was not conscious. Radha (PW-4) has deposed that she along with Rushikesh (PW-3) had gone to the house of their uncle Balaji Birajdar. She returned at 6:30 pm and found that Aabaji had consumed insecticide. She then called informant and the informant then called Rushikesh (PW-3) and nephew Shriniwas Birajdar.

23. The evidence of the witnesses as stated above shows material inconsistencies in their evidence. As per the evidence of Rushikesh (PW-3) Aabaji had made oral dying declaration alleging harassment at the hands of the accused for his suicide. However, the informant and Radha (PW-4) have not deposed about such a oral dying declaration of Aabaji. Moreover, Rushikesh (PW-3) has admitted that when he approached Aabaji, he was not conscious. In such circumstances, the doubt created about oral dying declaration of Aabaji indicting the accused for his suicide.

24. With this discussion, I hold that the prosecution has failed to establish that the accused had abetted Aabaji to commit suicide. Evidence on the record indicates that Aabaji was suffering

with liver disease due to his addiction of liquor and he was in financially critical condition. The prosecution has failed to establish that alleged action of harassment on part of the accused was of such a nature that it compelled Aabaji to commit suicide. Alleged action of the accused is otherwise not ordinarily expected to induce a similarly placed person to commit suicide. In the case at hand, the allegations levelled against accused are distinct, therefore , there is no evidence of common intention of the accused. The prosecution failed to establish that accused no.1 wrongfully restrained cart road of Aabaji to approach his field. Consequently, I answer point nos.1 and 2 in the negative.

:- AS TO POINT NOS. 3 & 4 :-

25. It is the case of prosecution that accused intentionally insulted and threatened Aabaji for their respective demands and causes. However, there is no evidence to record to prove that the charges of intentional insult and criminal intimidation of Aabaji at the hands of the accused. With this discussion, I answer point nos. 3 and 4 in the negative.

:- AS TO POINT NO.5 :-

26. As discussed earlier,the prosecution has failed to establish that the accused abetted commission of suicide by Aabaji, accused no.1 wrongfully restrained Aabaji by locking the cart road, the accused intentionally insulted and criminal intimidated Aabaji. Thus, the accused will have to be acquitted. In conclusion, in answer to point No.6 I pass the following order.

ORDER

1.	The accused No.1 to 6 are acquitted of the offences punishable under Section 306, 341, 504, 506 of the Indian Penal Code, vide section 235 (1) of the Code of Criminal Procedure.
2.	Bail bonds of the accused stands cancelled.
3.	Seized articles i.e. chit and register be returned to the informant after appeal period is over. In the event the informant refuse to accept the chit and register, those shall be destroyed. Seized articles iron bottle, being worthless, be destroyed after appeal period is over.
4.	The accused shall execute bail bond in the sum of Rs.25,000/- each with a surety in the like amount vide section 437-A of the Code of Criminal Procedure.
	Delivered and Pronounced in open court.

(Mangesh R. Deshpande)

Dated :- 27.07.2026

Additional Sessions Judge, Omerga.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/order are the same, word to word, as per the original Judgment/order.

Name of Stenographer	--	Narhari Haripant Deshmukh, Stenographer (Grade-I)
Court	--	Addl. Sessions Court Omerga.
Date	--	27.7.2026
Judgment signed by the Presiding Officer on	--	27.7.2026
Judgment uploaded on	--	27.7.2026