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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</u> <u>JUDGE, PARBHANI, DISTRICT - PARBHANI</u> Present- Vishwas S. Mane, Additional Sessions Judge. Sessions Case No. 101/2023 Exhibit No. 79	
Details of FIR/ Crime and Police Station	FIR No. 106/2017 Under Sections 306, 304B of the Indian Penal Code and section 3, 4 of Dowry Prohibition Act. Police Station- New Mondha, Parbhani, Dist. Parbhani.
COMPLAINANT	State of Maharashtra, Through- Police Station, New Mondha Parbhani, Dist.- Parbhani.
REPRESENTED BY	Smt. A.D. Pachpor, APP.
ACCUSED	1. Vikas s/o Purbhaji Dhale, Age- 28 years, Occ- Labour, 2. Fulabai s/o Purbhaji Dhale,

	Age- 69 years, Occ- Labour, Both R/o. Saibaba Nagar, Wangi road, Parbhani.
REPRESENTED BY	Advocate D. B. Balsekar

PART- 'B'.

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

Date of offence	2017 to 08/01/2023
Date of FIR	09/01/2023
Date of charge-sheet (Sessions Court)	14/06/2023
Date of framing of charge	29/11/2023
Date of commencement of evidence	06/04/2024
Date of which judgment is reserved	18/06/2026
Date of Judgment	23/06/2026
Date of the sentencing order, if any	-

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 section 428 of Cr.P.C.
1.	Vikas Purbhaji Dhale	11/1/2023	26/1/2023	306, 304B, of IPC, section 3, 4 of Dowry Prohibition Act.	Acquitted	-	15 days

2.	Fulabai Purbhaji Dhale	19/1/2023	On antici- patory Bail.	-''-	-''-	-	--
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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	Chabubai Hiranman Makasare	Informant
PW-2	Kanchan d/o Hiranman Makasare	Witness
PW-3	Ranjana Suresh Gonte	Witness
PW-4	Dipak Dilip Magar	Witness
PW-5	Jaibai Gautam Wavle	Witness
PW-6	Santosh Bhaskar Bharade	Witness
PW-7	Raju Madhavrao Pawar	Seizure Panch witness
PW-8	Ramkishan Tukaram Nandgaonkar	Investigating Officer.
PW-9	Suresh Yadavji Gonte	Seizure panch witness

B. Defence witnesses, if any :

Rank	Name	Nature of evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
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C- Court witnesses, if any :

Rank	Name	Nature of evidence (Eye witness, police witness, expert witness, medical witness, panch witness, other witness)
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LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A- Prosecution:**

Sr.No.	Exhibit No.	Description
1.	P-22	Report
2.	P-23	Printed FIR
3.	P-24	Statement U/sec.164 Cr.P.C. of PW-1
3.	P-67	Pendrive Panchanama
4.	P-68	Script Panchanama
5.	P-70	Hash value certificate
6.	P-71	LTR for CDR
7.	P-75	Certificate

B- Defence :

Sr.No.	Exhibit No.	Description
-	-	-

C- Court Exhibits :

Sr.No.	Exhibit No.	Description
-	-	-

D- Material Objects :

Sr.No.	Exhibit No.	Description
1.	MO-1	Pen-drive.

J U D G M E N T
(Delivered on 23rd June, 2026)

The accused are facing trial for the offences punishable under Sections 306, 304-B r.w. Section 34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

2. In brief, the prosecution case is that, one Chhabubai Hiranman Makasare lodged report at police station New Mondha Police Station Parbhani that marriage of her daughter Sonali solemnized with accused No.1 in the year 2017. After marriage, her husband treated her well near about one year and thereafter, started harassing her by saying that less dowry was given in the marriage and demanding to bring money from her mother. When her daughter came at

her house for the festivals, she told them about the harassment to her. On 08/01/2023, her son-in-law made her call and informed that her daughter Sonali committed suicide by hanging with the ceiling fan. On basis of that report, FIR No.10/2023 was registered against the accused under section 306, 304-B of the IPC. After investigation, the police submitted charge-sheet for offences under Sections 306, 304-B of the IPC and Sections 3, 4 of the Dowry Prohibition Act, against the accused in the Court of Judicial Magistrate First Class, Parbhani.

3. The case being exclusively triable by the Court of Session, the learned Magistrate committed it to this Court for trial.

4. My learned predecessor framed charge against the accused for above mentioned offences vide Exh.12 and explained the contents thereof to them in vernacular. The accused pleaded not guilty and claimed to be tried. Their defence is that of total denial.

5. The points for determination along with my findings thereon are as under-

Sr. No.	POINTS		FINDINGS
1.	Does the prosecution prove that the accused being husband and in-laws of deceased Sonali, in furtherance of their common intention, abetted deceased Sonali to commit suicide by causing her mental and physical torture on account of unlawful demand from her parents ?	:	No
2.	Does the prosecution prove that the accused in furtherance of their common intention caused dowry death of deceased Sonali and subjected her to cruelty soon before her death ?	:	No.
3.	Does the prosecution prove that the accused in furtherance of their common intention demanded dowry of Rs. 20,000/- to the deceased from her parents ?	:	No.
4.	What order?	:	Accused are acquitted.

REASONS

AS TO POINTS NOS.1 TO 3 :

6. The evidence on these points is common and interconnected. Therefore, for the sake of convenience they are being discussed together.

7. The learned APP submitted that the prosecution has examined Chhabubai (PW1), Kanchan (PW2), Ranjana (PW-3) and Suresh (PW-9), who are mother, sisters and brother-in-law of the deceased. In their evidence, it has been proved that the deceased committed suicide due to mental and physical torture by the accused. She submits that it is not disputed that suicidal death of daughter of Chhabubai (PW-1) occurred. She further submitted that the spot panchanama, inquest panchanama and seizure panchanama are proved by Ramkishan Nandgaonkar (PW-8). She also submits that the prosecution proved the charges leveled against the accused beyond doubt and maximum sentence be awarded to them.

8. The learned Advocate for the accused submitted that only interested witnesses are examined by the prosecution and their evidence is in consistence with each other. He submitted that there is nothing in the FIR regarding demand of dowry by the accused towards the deceased or the informant. He further submits that accused No.2 was not residing with the deceased and accused No.1.

Therefore, there is no question of committing alleged offences by the accused in furtherance of their common intention. He submits that the contents of FIR clearly shows that accused No.1 informed about committing suicide by the accused to the informant, which clearly shows that there was no intention of the accused to harass the deceased and caused cruelty to her, so that, she committed suicide. He prays that the accused be acquitted as prosecution failed to prove their guilt for the offences charge against them.

9. Section 107 of IPC describes offence of abetment as under -

Section 107 of IPC - Abetment of a thing- A person abets the doing of a thing, who

First- Instigates any person to do that thing or

Secondly- Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing or

Thirdly- Intentionally aids, by any act or illegal omission, the doing of that thing.

10. Section 306 of IPC provides punishment for the offence of abetment of suicide, reads as under -

Abetment of suicide - If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine .”

11. It has been come in the evidence of Chhabubai (PW-1) (Exh.21) that accused No.1 residing with deceased at Saibaba Nagar Parbhani. Two children were begotten to her daughter from the wedlock and one of them was died. Her daughter was nicely treated for initial one year and thereafter, started harassing her by demanding money from her parents. It has further come in her evidence that her daughter deceased Sonali once came towards her and she told her that the accused was demanding money for expenses. The evidence of informant clearly shows that her deceased daughter only once told her about the accused demanding money for expenses. Her evidence does not show that the accused were harassing her by demanding dowry money. Therefore, it can be said that the prosecution has failed to bring sufficient and cogent evidence to prove the charges of

demanding dowry and harassing the deceased on that count.

12. The evidence of Chhabubai (PW-1) (Exh.21) also shows that the deceased Sonali and accused No.1 were residing at Parbhani. Her evidence does not show that in which manner the accused were harassing to the deceased Sonali for demanding money. On the other hand, her evidence appears of vague nature. It cannot be inferred on the basis of evidence of Chhabubai that only once her deceased daughter told her that accused was harassing by demanding money for expenses that the accused were harassing her physically and mentally for unlawful demand. Moreover, she does not state in the report that Rs. 20,000/- were demanded by the accused towards the deceased. In such circumstances, the evidence of Chhabubai (PW-1) appears to be insufficient to establish the ingredients of section 306, 304-B of the Indian Penal Code.

13. The evidence of Kanchan (PW-2) (Exh.33) shows that on 18/12/2022, her sister made phone call to her from the mobile of accused No.1 and told that accused No.1 was demanding Rs.20,000/- to her and he was beating to her.

The evidence of Ranjana (PW-3) shows that she had received phone call of deceased Sonali and she told that accused No.1 accused No.1 was demanding Rs. 20,000/- to her and was beating to her. She further told that the daughter of Sonali was also saying that her father was beating to her mother. Kanchan (PW-2) and Ranjana (PW-3) are the sisters of deceased Sonali. As per their evidence, deceased Sonali informed them on phone call that accused No.1 was beating her by demanding Rs.20,000/-. It has come in the cross-examination of Kanchan (PW-2) that she used to visit the house of accused No.1 at Nanded and he had given her Rs.5,000/- for taking admission in the college at Nanded. She also admitted that, she used to visit the house of accused No.1 occasionally at afternoon or at night for dinner. If that is so, then Kanchan (PW-2) had an opportunity to observe the behaviour of accused No.1. But her evidence is silent about observation of the harassment to the deceased Sonali at the hands of accused No.1 for unlawful demand, whenever she visited his house. On the contrary, her evidence shows that the relation of accused No.1 with Kanchan (PW-2) is cordial and he had made financial help to her for taking admission to the college. Therefore, on the basis of the

evidence of Kanchan (PW-2) and Ranjana (PW-3) that deceased Sonali made phone call to them and told that accused No.1 was beating her by demanding money, it cannot be hold that accused No.1 was beating deceased Sonali by demanding dowry money from her parents. Their evidence is also not sufficient to establish the ingredients of section 306 and 304-B of the IPC.

14. Deepak (PW-4) (Exh.38) deposes that he went tot he house of accused No.1 and saw that wife of accused No.1 had committed suicide by hanging herself on the ceiling fan. His evidence is not sufficient to prove the ingredients of section 306, 304-B of the IPC.

15. Jaibai (PW-5) (Exh.50) deposes that deceased Sonali was hanged to ceiling fan in her house and the police prepared panchanama by removing dead body hanged with ceiling fan. Her evidence is of formal nature and is of no use to prove the guilt of the accused.

16. Santosh (PW-6) (Exh.57) deposes that is the son of deceased Sonali maternal uncle. He deposes that the

husband and mother-in-law of deceased Sonali were harassing, abusing her by demanding money from her mother. His evidence in cross-examination shows that he had listen about the dispute was taken place between deceased Sonali and accused No.1 regarding leaving service at Nanded. Her evidence also shows that he has no personal knowledge about what was happened between deceased Sonali and the accused in their house. His evidence appears hearsay evidence regarding demand of money by the accused. Therefore, his evidence is also of no use to the prosecution to establish the guilt of the accused for the offence punishable under section 306, 304-B of IPC.

17. Raju (PW-7) (Exh.66) is a panch witness on seizure panchanama (Exh.67) of pen drive. However, he is not supporting the prosecution. He denied that the police had seized 8 GB Pen drive of San Disk company in his presence at New Mondha Police Station. He also denied that the police prepared transcript panchanama of conversation took place between the deceased and witnesses. Therefore, his evidence is of no use to the prosecution.

18. Suresh (PW-9) (Exh.74) is brother-in-law of deceased Sonali. He deposed that his wife Ranjana (PW-3) talked on his mobile with his sister-in-law deceased Sonali. He had given their conversation in the mobile in Pen drive to the police. He identified his signature on seizure panchanama (Exh.P-67). However, he had shown is inability to identify the pen drive, due to many days were lapsed. He had given certificate under section 65-B of Indian Evidence Act, which is at Exh.P-75. His evidence in cross-examination shows that he has no knowledge about taking conversation from the mobile in pen drive and he put his signatures on the seizure panchanama and certificate prepared by the police.

19. Ramkishan (PW-8) (Exh.69) is the investigating officer. His evidence shows that he completed the requirements of investigation by following the required procedure. He had taken conversation in the mobile between the deceased and witnesses in pen drive and prepared its transcript. He had also obtained certificate of 65-B from the person from whom he seized conversation. In cross-examination, Ramkishan (PW-8) admitted that accused No.1 made complaint that the dispute was taken place between

himself and deceased Sonali on the count of making *Pohe* and on that basis accidental death was registered. He did not seize the mobiles through which conversation took place between the deceased and the witnesses.

20. The evidence of Ramkishan (PW-8) and Suresh (PW-9), if considered together, shows that the transcript of conversation between the deceased and witness Ranjana (PW-3) was taken from the mobile of Suresh (PW-9). The evidence of Ranjana (PW-3) as discussed above is not sufficient to establish the ingredients of Section 306, 304-B of the IPC. In such circumstances, the evidence of Ramkishan (PW-8) and Suresh (PW-9) regarding transcript of conversation appears of no use to the prosecution.

21. The prosecution has failed to establish beyond doubt that the deceased Sonali was instigated by the accused to commit suicide. The prosecution further failed to establish beyond doubt that accused harassed the deceased for bringing money from her mother. There is absolutely no evidence to establish that the accused subjected the deceased to cruelty in furtherance of their common intention and

illtreated and harassed deceased Sonali with intention to drive to commit suicide. In the circumstances, I answer point nos. 1 to 3 in the negative.

AS TO POINT NO. 4:-

22. The prosecution failed to establish beyond doubt that the accused instigated deceased Sonali to commit suicide. There is absolutely no evidence to establish that the accused illtreated and harassed to the deceased Sonali. They are liable to be acquitted of the above mentioned offences. The seized Pen drive, will have to be ordered to be returned to the concerned police station and one seized white colour *stall/scarf*, being worthless, will have to be ordered to be destroyed, after appeal period is over. In the result, in answer to point no.4, I pass the following order.

ORDER

1. Accused No. (1) Vikas Purbhaji Dhale and (2) Fulabai w/o Purbhaji Dhale, are acquitted, of the offences punishable under sections 306, 304-B of the Indian Penal Code and section 3, 4 of the Dowry Prohibition Act, vide section 235 (1) of the Code of Criminal Procedure.

2. The bail bonds of the accused to be continued, to appear before the appellate Court as and when such Court issues notice in respect of any appeal or petition filed against this Judgment, as per Section 437-A of the Code of Criminal Procedure. The bail bonds of the accused shall stand cancelled after six months.

3. (a) The seized Pen drive be returned to the concerned Police Station and (b) one seized white colour *stall/scarf*, being worthless, be destroyed, after appeal period is over.

(**Vishwas S. Mane**)

Date: 23/06/2026

Additional Sessions Judge, Parbhani.

CERTIFICATE

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

Name of Stenographer	--	Shivraj R. Ragte, Stenographer (Grade-1)
Court	--	Additional Sessions Judge, Parbhani
Date of Judgment	--	23/06/2026
Order checked & signed by the Presiding Officer on	--	23/06/2026
Order uploaded on	--	23/06/2026