



Presented on : 05/05/2017  
Registered on : 05/05/2017  
Decided on : 16/03/2026  
Duration : Y M D  
08 10 11

**SESSIONS CASE NO. : 59/2017**  
CNR NO. : MHPU21-000526-2017

**Exh. No. 22**

**Form No. XXXII**

**Part 'A'**

**(Title Page of Judgment)**  
**(Para 44(i) of Chapter VI of Criminal Manual)**

	<b>IN THE COURT OF ADDITIONAL SESSIONS JUDGE, PUNE AT PUNE DISTRICT PUNE</b> Present : A. S. Sayyad, Additional Sessions Judge, (16/03/2026) <b>Sessions Case No. 59/2017</b>
	(FIR No. 103/2011, U/s. 498-A, 304-B 306 of Indian Penal Code, Police Station Khed)
Complainant	<b>The State of Maharashtra,</b> Through Police Station, Khed, Pune.
Represented by	Shri. S. S. Wagh, Learned A.P.P. for the State
Accused	<b>Amar Shivajirao Sandbhor</b> Age : 33 years, Occ. : Construction, R/at : Tinhewadi Road, Telco Colony No.2, Rajgurunagar, Tal. Khed, Dist. Pune
Represented by	Shri. D. S. Bhoite – Advocate

The accused is facing trial for the offences punishable u/s. 498-A, 304-B and 306 of Indian Penal Code (for short 'IPC').

**Background facts:**

2. Shri. Ashok Babanrao Shitole (in short 'the complainant') is a father of Ujwala @ Dhanashree (in short 'the deceased'). According to complainant, the deceased had married to accused on 19/04/2009. Immediate after 2-3 months of the marriage, the accused started physical and mental cruelty of the deceased on account of unlawful demand. The accused used to consume liquor and under influence of the same, he was assaulting the deceased. The deceased had no any mobile phone for communication. However, the deceased used to report about the incident through mobile of her cousin-mother-in-law to complainant and other members. The accused, therefore, had given understanding many times to maintain the deceased with good dignity. However, the accused did not mend his ways. Due to the continuous harassment and cruelty by the accused, the deceased on 24/06/2011 hanged herself and committed suicide. According to complainant, the accused by giving harassment, instigated and abetted the deceased to commit suicide. The sole accused is responsible for the death of deceased. With the allegations as above, complainant lodged complaint with police station and implored for appropriate action against them.

3. Pursuant to complaint a crime No. 103/2011 came to be registered with the Khed police station. The said crime was made over to PI – A. T. Desai for investigation. During investigation, he visited the spot and drew spot panchanama, seizure panchanama, recorded the statement of witnesses, collected the relevant documents relates the deceased, arrested the accused, on being found sufficient evidence against the

accused charge-sheet came to be filed in the Court concerned.

4. The Ld. Magistrate on finding that offence u/s. 306 of IPC is exclusively triable by Court of Sessions, committed matter to this Court. The charge was framed at Exh. 04 against the accused for the offences punishable u/s. 498-A, 304-B and 306 of IPC. The contents thereof were read over and explained to accused in his vernacular, to which he pleaded not guilty and claimed trial.

5. In support of its case, the prosecution has examined 05 witnesses as shown in below table. After closing evidence pursis, the accused is called for u/s. 313 of Cr.P.C. explaining the incriminating circumstances transpired against him. The accused did not lead evidence and claimed his innocence. The defence of the accused is of total denial.

6. Heard the learned APP Shri. S. S. Wagh for state, the learned Adv. Shri. Shri. D. S. Bhoite for the accused at the length of considerable time.

7. The points for consideration.

<b>Sr. No.</b>	<b><u>POINTS</u></b>	<b><u>FINDINGS</u></b>
1]	Whether the deceased Ujwala @ Dhanashree .. met with suicidal death?	<b><u>Yes.</u></b>
2]	Whether the accused under influence of liquor .. mentally and physically harassed the deceased subject to cruelty on account of unlawful demand of amount?	<b><u>No.</u></b>

- 3] Whether the accused abetted and instigated the ..  
deceased to commit suicide? **No.**
- 4] What order? **As per final  
order.**

**REASONS**

**AS TO POINT NO. 1 :-**

8. The prosecution comes with the specific case that due to continuous harassment and demand of huge amount to the deceased by the accused she has committed suicide. The fact of suicidal death of deceased is not found seriously disputed by the accused since inception. Accused even in his statement u/s. 313 of Cr.P.C. not disputed the fact of suicidal death of the deceased at the relevant time. The prosecution relied upon the documentary evidence such as inquest panchanama at Exh. 13, post mortem report at Exh. 16, spot panchanama at Exh. 09 and other documents. On careful perusal of all these documents, it reveals the facts about the death of deceased that Asphyxia due to hanging. At the same time, the prosecution case found to be consistent with the opinion as what given in Post mortem report. The accused in his defence admitted all these documents in respect of death of deceased. The observation recorded in the post mortem report, the case of prosecution and the undisputed fact by the accused in respect of suicidal death of the deceased, it makes clear that the death of the deceased is purely suicidal. Hence, I conclude this point in affirmative.

**AS TO POINT NOS. 2 TO 4 TOGETHER :-**

9. All the above points interlinked to each other, they are therefore, taken up together for consideration to avoid repetition of facts and evidence of the case.

10. For the purpose of an offence punishable under S. 306 of the I. P. C., it needs to be established that the accused by their act or omission instigated the deceased to commit the suicide. Such instigation can either be direct owing to the conduct of the accused. Similarly, such incitement can either be physical or mental. It needs to be brought on record by the prosecution that the positive act of the accused led to irritation, annoyance or provocation. The gravity of such act of the accused needs to be of such a magnitude that the victim is left with no other option than to bring an end to her life. In that situation alone the accused can be labeled to have instigated and thus abetted the suicide of the victim.

11. The prosecution is further under a duty to establish that the accused indulged in the act of instigation with the intention that the deceased should commit suicide. Mens-rea is the necessary concomitant in the matter of abetment of suicide. In that view of matter, what was perceived by the deceased while committing the suicide becomes secondary and the prime consideration is to locate the intention of the accused while stimulating the deceased by way of instigation. By keeping the aforesaid principles governing the offence punishable under S. 306 of the I. P. C., the evidence shall be discussed hereinafter.

12. The prosecution has examined in all total five witnesses. Of them, the prime witnesses are PW1 – father of the deceased, PW2 – brother-in-law of the deceased, PW3 and PW4 – sisters of the deceased.

On careful perusal of the evidence of these witnesses, it appears that all these witnesses are the close relatives of the deceased. The Investigating Officer PW5 not appears to be recorded the statement of independent witnesses adjacent to the last residence of the deceased at the relevant time.

13. It is undisputed fact that marriage of the deceased taken place on 19/04/2009 and thereafter within two years the alleged incident took place. Evidence of PW1 to PW4 mainly relied upon the fact that the accused was in habit to consumer liquor and under influence of liquor he was raising unnecessary battle with the deceased. another blame of these witnesses against the accused was that he was torturing the deceased for unlawful demand of amount.

14. PW1 – Ashok Babanrao Shitole (Exh.7) deposed in his evidence that after marriage deceased had gone to her in-law's house and started residing with her husband and family members together. The accused was in habit to consume liquor and therefore he was beating the deceased. If they wanted to contact the deceased, they should have to contact her through Sunita Pawar who was cousin-mother-in-law of the deceased. After some period of marriage, the deceased was shifted to Hospital for delivery and she had given birth to baby girl. When he had gone to deceased to see her, at that time, she has narrated the harassment act of the accused. He requested the accused to cohabit the deceased good. Once a time, deceased called him and demanded Rs.2 lakhs for construction of the house as it was demand of the accused.

15. While deceased was residing with him at his native, his mother died. Therefore, for performing last rites, father-in-law of the deceased came and requested to send back the deceased to in-law's house.

Accordingly, the deceased had gone to in-law's house and thereafter again as like earlier harassment meted out by the deceased at the instance of accused. When the marriage of son of this witness was held and despite of cordial invitation to attend the marriage of same, the accused had not attended the marriage and brother-in-law and sister-in-law of the victim attended the said marriage. On 24/06/2011 midnight 1.30 am, his son informed this witness about the admission of deceased in Hospital. His elder daughter informed this witness about the death of the deceased. He went to the Hospital and saw some assault marks reflected on her body. Deceased committed suicide because of harassment at the instance of accused.

16. In the cross-examination, this witness stated that at the time of marriage, financial condition of the accused family was sound than the complainant. The accused at that time had given 7 tola gold ornaments in the marriage of deceased. Accused was in property business. He had not given complaint to Police Station against the accused about his previous harassment act to deceased. He is unable to tell date on which he has given Rs.1.5 lakhs amount to accused. He also not given complaint against the accused when he was beating the deceased under influence of liquor.

17. Rest of the witnesses i.e. PW2 – Vilasrao Deshmukh deposed less or more on the same line as like PW1 about the harassment act at the instance of the accused. In the cross-examination this witness stated that he has not gone to the house of accused to verify his family background. Except marriage occasion, he has visited twice to house of the accused. For the first time, after six months of marriage and thereafter next four months, he has visited the house of accused. This witness stated that when he came to know about the harassment act at the instance of accused, he personally has not lodged any complaint against the accused.

18. PW3 – Kavita Anil Jondhale (Exh.11) stated that deceased was her sister. Deceased was informed to her father about the harassment act by the accused. Therefore, her father has specified her and send her back to house of accused. From the evidence of this witness, it reflects that whatever she knows, it was from her father and not directly by her from deceased. She stated that she has not filed any complaint against the accused after she got know about harassment act by the accused.

19. PW4 – Kanini Ashokrao Shitole (Exh.12) stated that she is real sister of the deceased. When the deceased had come to house of PW1 for Diwali festival, the deceased had disclosed them about harassment act by the accused. The deceased was not using mobile phone and therefore there was no any direct source to contact her. Before or after marriage, deceased was not using mobile. The said witness in her cross-examination, admitted that she does not know as to who had given money to whom. She has not attended the engagement meeting of the deceased. Delivery of the deceased was at the in-law's house and for that in-laws' persons paid all the charges of Hospital. The deceased had a baby girl and now maintaining by the accused. She had not given any complaint about any ill-treatment act of the accused to Police Station.

20. PW5 – Amar Tatyasaheb Desai (Exh.17) is an Investigating Officer. The evidence of this witness reflects as per his conduction of investigation. The said witness in his cross-examination admitted that initial complaint was lodged against accused and Kailas Sandbhor. He admitted that due to non-having evidence against Kailas Sandbhor, closure report was submitted against him. He has also obtained CDR and tower location dtd.22 and 23 of the accused. Account statements of the accused were also collected during investigation. This witness admitted that his investigation reveals that the accused had given Rs.1 lakh towards

marriage expenses.

21. The evidence of this witness reveals that the said witness has not recorded the statement of all the reliable witnesses except the close relatives of the deceased. The evidence of PW1 to PW4 appears to be ambiguous regarding the harassment act to deceased at the instance of the accused. The allegations made against the accused appears to be omnibus and general in nature. All these witnesses have unable to state the specific details of events about the ill treatment by the accused to deceased. There is no any strong evidence came on record to show the accused under influence of liquor was continuously harassing the deceased and instigating the abetting the deceased to commit suicide.

22. The cumulative analysis of the evidence of witnesses as above, would reflect that there is no sufficient evidence on record to show the accused at the relevant time subjected to cruelty to deceased for want of unlawful demand of Rs. 2,00,000/-. There is also no evidence on record to show that the accused ill-treated and harassed the deceased and thereby instigated and abetted the deceased to commit suicide. As there is no evidence in support of charge against the accused, therefore, the prosecution failed to establish the charge against the accused beyond reasonable doubt. The accused is therefore, liable to be acquitted for the charges leveled against him. Therefore, the points as above are answered accordingly with the following order: -

**ORDER**

1. ***Accused Amar Shivajirao Sandbhor*** is hereby acquitted of the offence punishable under section 498-A, 304-B and 306

of the Indian Penal Code vide section 235(1) of Code of Criminal Procedure.

2. **The seized muddemal i.e. shawl**, if any being worthless be destroyed after appeal period is over. If the Appeal is preferred subject to the order of the Hon'ble Appellate Court.
3. Accused to furnish bail bonds of Rs.15,000/- with sureties like same amount as per Section 437-A of Cr.P.C. for further period of 6 months.
4. Dictated and pronounced in open Court.

Khed.

Dated – 16<sup>th</sup> March, 2026

( A. S. Sayyad)  
Additional Sessions Judge,  
Khed-Rajgurunagar, Pune

**Part 'B'****(Para 44(ii) of Chapter VI of Criminal Manual)**

Date of Offence	From 2 to 3 months of marriage dtd.19/04/2011 till 24/06/2011
Date of FIR	24/06/2011
Date of Charge-sheet	03/05/2017
Date of Framing of Charges	26/09/2024
Date of Commencement of evidence	17/04/2025
Date on which judgment is reserved	16/03/2026
Date of Judgment	16/03/2026
Date of the Sentencing Order, if any	--

**Accused Details**

Rank of the accused	Name of the accused	Date of Arrest	Date of Release on bail	Offence charges with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428 Cr.P.C.
	Amar Shivaji Sandbhor	13/07/11	15/09/2011	u/s. 498-A, 304-B, 306 of IPC	<b>Acquitted</b>	--	

**Part 'C'**

**(Para No. 44(ii) 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	Ashok Babanrao Shinde	Complainant (Exh.07)
PW 2	Vilasrao Laxmanrao	Uncle of deceased (Exh.10)

	Deshmukh	
PW 3	Kavita Anil Jondhale	Sister of deceased (Exh.11)
PW 4	Kamini Ashokrao Shitole	Sister of deceased (Exh.12)
PW 5	Amar Tatyasaheb Desai	Investigating officer (Exh.17)

**B. Defence Witnesses, if any**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1	--	--

**C. Court witnesses, if any :**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW 1	--	

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

Sr. No.	Exhibit Number	Description
1	Exh. No. 8	Complaint
2	Exh. No. 9	Printed form of FIR
3	Exh. No. 13	Inquest panchanama
4	Exh. No. 14	Spot panchanama
5	Exh. No. 15	Letter of CA by Police Station for obtaining certificate of viscera
6	Exh. No. 16	Postmortem examination report
7	Exh. No. 18	Complaint
8	Exh. No. 19	Letter to Rural Hospital, Chandoli by

		Investigating Officer for getting postmortem report
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**B. Defence :**

Sr. No.	Exhibit Number	Description
1	--	

**C. Court Exhibits :**

Sr. No.	Exhibit Number	Description
1	---	

**D. Material Objects :**

Sr. No.	Material Object Number	Description
1	---	

Khed.

Dated – 16<sup>th</sup> March, 2026

( A. S. Sayyad )  
Additional Sessions Judge,  
Khed-Rajgurunagar, Pune

**CERTIFICATE**

I affirm that the contents of the PDF file Judgment are same word for word as per original Judgment.

Name of Steno	Mrs. Pranjali Prasad Bokil Stenographer Grade I
Name of Court	Shri. A. S. Sayyad District Judge 1 and Additional Sessions Judge, Khed-Rajgurunagar, Pune.
Date of Order	16/03/2026
Order signed by PO on	16/03/2026
Order uploaded on	20/03/2026