



**ORDER BELOW EXH. 11**  
( The State of Maharashtra Vs.  
Prashant Bhalchandra Padte etc. 12 )

1. This application is filed by accused No. 1 to 4 and 13, under Section 250 of Bharatiya Nagarik Suraksha Sanhita, 2023 (Hereinafter referred as 'B.N.S.S. 2023), for discharge them, in the crime bearing C. R. No. 0171 of 2024, of Sawantwadi Police Station, punishable under Sections 108, 115(2), 3(5) of Bharatiya Nyay Sanhita, 2023 (Hereinafter referred as 'B.N.S., 2023).

2. The brief facts of the application, are as under:-

According to the accused, the present complaint was filed by informant Shri. Janardan Shivram Sail, who is resides at Kolgaon, Bhomwadi, Tal. Sawantwadi, Dist. Sindhudurg, alongwith his wife Trupti, son Akshay (deceased) and daughter Akshata. Due to work, informant also resides with his wife at Patgaon, Vijaydurg, Tal. Devgad, Dist. Sindhudurg, and came to Kolgaon on weekends and holidays.

3. On 03/09/2024, at about 9.00 p.m., the informant received a phone call from Shri. Sandesh Arun Rawool, a neighbour from Kolgaon, informing him that, his son Akshay Sail (deceased) had left the house on an electric two wheeler (Ola) at about 2.55 p.m., informing his sister that, he is going to Sawantwadi for some personal work, but he did not return home and could not be traced out, despite of extensive efforts by the family and neighbours.

4. Thereafter, informant inquired with the daughter to confirm that, her brother has left on two wheeler and not returned. Thereafter, two wheeler was found parked near Madkhol dam. Informant registered missing report. On 05/09/2024, informant alongwith villagers, proceeded to Madkhol dam to search the deceased. During the search, several crocodiles were seen in the water. Upon closer inspection, a partially mutilated and half-eaten body was found floating in the dam, which was subsequently identified, as the body of the deceased Akshay Sail.

5. The deceased had completed his 12<sup>th</sup> standard education and was working in the field of construction alongwith one Praveen Sawant. In January 2024, deceased received a call from Shri. Prathamesh Padte, wherein, he was informed that, some individuals from Mumbai namely Parvez Shaikh, Tejas Potdar and others, were in need of a four wheeler. A request was made through Padte for arranging the same. In pursuant to this request, the deceased arranged a four wheeler vehicle belonging to Shri. Ajit Mathkar. Said persons including Parvez Shaikh and his group, used the car for travel. During the course of their journey, an accident occurred in Kudal, involving the said vehicle. Parvez Shaikh informed the deceased not to report the accident and assured that, the damages would be reimbursed.

6. Thereafter, son of Prashant Padte assured the deceased that, damage to the vehicle be covered under insurance claim and took the responsibility for it. Thereafter, deceased informed to the son of Prashant that, the insurance could not be claimed. The deceased conveyed to Padte that, total cost of repairing was Rs.7,80,000/-. The deceased manage to pay amount of Rs.5,30,000/- to the owner Shri. Ajit Mathkar. Thereafter, Shri. Ajit Mathkar, harassed to the deceased for payment of remaining

amount. Thereafter, deceased approached to Parvez Shaikh and his father. They have insulted and abused him. Hence, he approached to the Padte family members and demanded the amount. Thereafter, deceased was pressurized from Ajit Mathkar to pay the remaining payment and also assaulted by him. Thereafter, deceased transferred the amount of Rs.70,000/-, due to the harassment by Ajit Mathkar, Parvez Shaikh and others. Deceased has taken the decision of committing suicide. Therefore, they are responsible for the alleged offences. Ajit Mathkar, Parvez Shaikh and others are responsible for death of deceased. There is no any evidence against the present accused, for framing the charge, from the material in the charge-sheet. Therefore, in order to bring home the charge of abetment of suicide, there must be clear mens-rea, to commit the offence. Therefore, there is no supportive evidence against the present accused. Hence, they preferred the present application.

7. Accused No. 1 to 4 and 13 have preferred this application for their discharge on the following grounds:-

(i) Accused No. 1 to 4 and 13 are innocent and have not committed any crime, as alleged by the informant and has been falsely implicated in this offence.

(ii) There is no direct involvement of the accused in the incident. The only allegation is that, accused No. 1 requested the deceased to arrange a car for certain individuals from Mumbai. This request alone does not amount to any criminal offence. None of the accused were involved in the vehicle accident, the resulting damage, or the demand for compensation.

(iii) There is no instigation or harassment. There is no evidence that, any of the accused threatened, pressured, or harassed the deceased at any point. They did not demand any money, nor did they communicate

with the deceased in a manner that could be seen as instigation or abetment of suicide.

(iv) It is a settled principle that, mere naming in a suicide note is not sufficient to constitute abetment of suicide, unless clear, specific, and actionable conduct is alleged. Courts have consistently held that, vague, indirect, or non-specific references do not attract criminal liability.

(v) While the name of accused No. 1 appears in the suicide note, the note does not mention any particular action or words by any of them that amount to abetment, cruelty, or criminal intent. Courts have held that mere mention of a name in a suicide note, without corresponding evidence of harassment or provocation, is not sufficient to attract liability under Section 108 of B.N.S. 2023.

(vi) The suicide appears to have been caused by a financial dispute between the deceased and the vehicle owner (Ajit Mathkar), following an accident. The accused were not involved in that dispute and there is no causal connection between their conduct and the deceased's decision to take his own life.

(vii) The charge-sheet does not contain any witness statement, document, or other material linking the accused to any act of instigation, threat, or harassment. There is no prima facie case against any of the accused under Section 108 of B.N.S. 2023, or any other offence.

(viii) All the accused have been falsely implicated only because, their names are casually mentioned in the suicide note. The intention of accused No. 1 was only to help the people, find a vehicle, and he had no role in the events that followed.

(ix) The names of accused No. 2 to 4 and 13 are not mentioned anywhere in the suicide note left by the deceased. This clearly indicates that, the deceased did not hold them responsible in any manner for his decision to take his own life.

(x) The only reference in the investigation is that, the deceased visited the house of accused No. 1 and requested accused No. 2 to 4 and 13 for help. The accused did not threaten, pressurize or harass the deceased in any way.

(xi) Accused No. 13 is a woman, with family responsibilities. She is not named in the suicide note, nor is there any material showing her involvement in any act of instigation or harassment. In absence of any prima facie case, she is entitled to be discharged.

(xii) The role of accused No. 4 is limited to offering assistance in settling the vehicle damages through an insurance claim. The failure of the insurance claim does not amount to criminal conduct or abetment of suicide.

(xiii) There was no intention of accused No. 4 to cause harm and could not have reasonably foreseen that, his inability to arrange an insurance claim would lead to such tragic outcome. His conduct at best, reflects an unfulfilled promise, which does not amount to abetment under Section 108 of B.N.S., 2023.

(xiv) It becomes important to highlight that, before a charge is brought against someone, there must be “grave suspicion concerning the conduct of the offence by the accused”. But, in the present case, a plain reading of the prosecution’s material fails to generate any such grave suspicion against all accused.

(xv) The law is well decided that, the material and papers on record must be evaluated to determine, if the facts emerging therefrom, taken at face value, disclose the existence of all the components constituting the accused offence, but, in this case, no cogent and reliable evidence is envisaged against the accused in the charge-sheet.

(xvi) Throughout the entire charge-sheet, there is neither a prima facie case, nor any strong suspicion, hence, the evidence before the Court,

is not sufficient to satisfy the ingredients for offences under Sections 108, 115(2), 3(5) of B.N.S., 2023.

(xvii) It is imperative to note that, the ground against all accused are baseless, there is no evidence that is made out and there is no prima facie case, against the accused, as alleged by the informant.

(xviii) The cumulative effect of all grounds raised herein clearly satisfies the test for discharge under Section 250 of B.N.S.S., 2023. The prosecution material fails to disclose any credible evidence, direct involvement, or grave suspicion, against all accused. It is well settled that, where the prosecution case, even if taken at its face value, does not make out the essential ingredients of the alleged offence, the accused are entitled to be discharged.

(xix) Allowing the case to proceed against all accused without any evidence, will be a misuse of the legal process and cause unnecessary hardship, especially when there is no prima facie case made out against accused under Section 108 of B.N.S., 2023. Hence, accused prefers this application for their discharge, under Section 250 of B.N.S.S., 2023.

**Say of prosecution and Investigating Officer :-**

8. The prosecution and the Investigating Officer have filed the say at Exhibits 14 and 15. The say of both are same and identical. Therefore, in order to avoid the repetition, they are taken together, precisely, hereinafter.

9. It is contention of the prosecution that, the name of the accused are mentioned in the report. The suicide note state the name of accused No. 1 and he is responsible for instigating the deceased for commit the suicide. All accused are responsible for abetment of suicide. There is specific contention of each accused, about the contribution in the

alleged commission of offence. Therefore, the application is not liable to be allowed.

10. It is further contention of the prosecution that, accused No. 5, caused the accident of car. There was meeting of accused alongwith deceased, at the house of accused No. 1. Accused No. 1 is government servant. It is duty of him to follow the due process of law, but, without registering the accident, he has tried to settle and give the compensation to the owner of car and created the false information. Therefore, there is just and sufficient evidence, against the accused involved in the alleged offence. During the investigation, all the witnesses have stated the involvement of each accused in the commission of offence. Therefore, the charge-sheet is filed against the accused. Therefore, they prayed for rejection of the application.

11. After going through the discharge application, and say of prosecution, as per the Section 250 of B.N.S.S., 2023, it is necessary to dealt with discharge of the accused in the case and as per the said provision, it is necessary to scrutinize the factors, there must be hearing of accused, prosecution, and the charge-sheet on record, whether there is no sufficient grounds for proceeding against the present accused. In the present application, present accused have stated various grounds and prayed that, there are no sufficient grounds, against the present accused to prosecute for the alleged offences under Sections 108, 115(2), 3(5) of B.N.S.S., 2023. As against this, it is the case of prosecution that, there is sufficient evidence against the accused for the alleged offences. The evidence of the prosecution is sufficient to prove the charges levelled against the present accused. Hence, he prayed for rejection of the application.

12. In regards to this, the Ld. Advocate for present accused submitted and relied on the decisions in **Sajan Kumar Vs. Central Bureau of Investigation, S.L.P. (Crl.) No. 6374 of 2010**, and **Karan Talwar Vs. The State of Tamil Nadu, S.L.P. (Crl.) No. 10736 of 2022**. In the above decisions, the Hon'ble Lordship has laid down the principles under Sections 227 and 228 of Cr.P.C. The sum and substance of above observations by the Hon'ble Lordship that, "while considering the charge against the accused, it is necessary, whether the prosecution has made the prima facie case, against the accused and on the basis of available material on record, Court is of opinion that, there is no probative material evidence, against the accused to frame the charge." Therefore, as per the above ratio, of the Hon'ble Lordship and the case in hand, it is necessary from the available documents that, whether prosecution has made out sufficient ground of prima facie case, against the present accused.

13. After going through the statements of witnesses, as well as other relevant documents on record, it appears that, the witnesses have specifically stated the factual aspects of the alleged offences, against the present accused. After minute perusal of the statements of informant, as well as other witnesses, it seems that, there is involvement of present accused, in the alleged offences. Therefore, at this primary stage, it appears that, there are certain allegations of instigation, abetment, to commit the suicide. Therefore, after giving thoughtful consideration of the evidence of prosecution witnesses, it appears that, there are grounds against the present accused, for the alleged offences. In this regards, the Ld. A.P.P. has submitted that, there is ground to presume that, the accused have committed the offence, even there is a strong suspicion about the existence of the fact constituting the offence. In this regards, the names of present accused are found in the F.I.R., suicidal note and the evidence of

prosecution witnesses. Therefore, in this regards, Ld. A.P.P. has relied on the decision in **Shoraj Singh Ahlawat & Ors. Vs. State of U.P. & Anro, A.I.R., 2013 S.C. 52.** In the above decision, it is observed that, “even strong suspicion, about the existence of facts of constituting offence, it is sufficient to refuse the discharge.” Thus, considering the decision in above ratio, and factual aspects, it appears that, there is prima facie ground against the present accused.

14. In regards to the suicidal note, the Ld. Advocate for accused submitted that, suicidal note does not disclose any specific act of the present accused to involve in the alleged offence. Therefore, at this juncture, it cannot be taken into consideration. To support this contention, the Ld. Advocate for accused has relied on the decision in **Nishit Patel Vs. Stae of Maharashtra & Anr., Criminal Writ Petition No. 3388 of 2024, decided on 18/06/2025.** After considering the ratio of above decision, I am of humble opinion that, said ratio is not helpful to the case of present accused for their discharge.

15. Thus, considering all above discussion, and contentions of the discharge application, I am of the opinion that, there is sufficient ground against the present accused for alleged offences. Therefore, application of present accused is liable to be rejected. Resultantly, in view of above discussion, I pass the following order.

**:- ORDER :-**

The application at Exh. 11, is rejected.

**Sindhudurg-Oros**  
Date : 11/12/2025

**( S. S. Indalkar )**  
Adhoc District Judge - 1 &  
Additional Sessions Judge,  
Sindhudurg-Oros.