

CNR MHSI01-000298-2022

State vs. Subhash Lad & Ors.

**ORDER BELOW EXH. 22**

Accused Vijay Khanderao Kamble has filed this application under Section 227 of the Code of Criminal Procedure, 1973 for discharging him from the charges levelled against him. It is contended that this case is filed for offence punishable under Section 306 read with 34 of the Indian Penal Code, 1860 on the complaint of Mrs. Rukmini Gangadhar Hange, R/o. Shindi, Post - Tambola, Taluka - Lonar, Dist. Buldhana pertaining to the commission of suicide by Vishal Hange. The applicant is falsely implicated and there is no iota of evidence to implicate the applicant in the alleged crime. Victim Vishal Hange has not mentioned the name of the applicant in the suicide note which is dying declaration of the victim. Applicant was the only room partner of victim and stayed with him for few days. There is no any role to harass the victim. The present applicant is no were concerned with the alleged abetment of suicide. There is missing of *mens-ria* of the present applicant in the entire charge-sheet. Nothing incriminating is recovered and discovered at the instance of present applicant. Hence, he may be discharged from the said offence.

02. The prosecution has given say to the application at Exh.39 and opposed the application on the ground that at the time of incident applicant/accused No.7 was posted as Agricultural employee (Krishisevak). He was residing with victim on rental basis in same room and deceased was paying money for his food also. Victim had stated to his mother and relatives that applicant harassed mentally to Sachin Gavande also. Witnesses Atul Kambale , Pavankumar Saungade, and

Shrikrishna Salavi stopped the payment of applicant. At that time victim incurred expenses of food and residence of applicant/accused No.7. Said fact is also revealed in First Information Report. From the statements of the witnesses it has transpired that accused Nos. 1 to 7 harassed victim by forcing him to prepare record and abetted to commit suicide. The offence is of serious nature. Hence, prayed to reject the application.

03. Heard learned Adv. Vinita Parab for applicant/ accused No.7.
Heard learned A. P. P. Rane for the State.

04. Perused application, say of the prosecution. According to accused No.7 the allegations against him are vague, the investigation is faulty, there is no incriminating material against the accused, the suicide note does not contain the name of accused No.7 and hence he is entitled to be discharged. Learned Adv. Vinita Parab for accused No. 7 invited my attention to the suicide note. The suicide note does not contain the name of accused No.7. The deceased has held accused Subhash Lad, Sachin Gavande, Kamatekar, Nitin Rekulwad and Shrikant Kothale responsible for his committal of suicide. Learned Addl. P. P. Todkari invited attention to the statements of the relatives of the deceased. According to him all of them have given incriminating statements against accused No.7. There is sufficient material against accused No. 7 and hence he should not be discharged. Witnesses Laxman Shrirang Ghule, Ramprasad Shrirang Ghule, Satish Anandrao Ghule, Dipak Gangadhar Hange have consistently stated that due to the harassment of accused No. 7 Vishal Gangadhar Hange has committed suicide. On perusal of all the statements it is clear that there is incriminating material available against the accused. Eventhough the suicide note does not contain name of accused No.7 the statements of these witnesses reveal that there is sufficient ground to

proceed against the accused. Therefore he is not entitled for discharge.
Hence I pass following order. -

ORDER

Application is rejected.

Sindhudurg-Oros.
Date – 24.02.2025.

(V. S. Deshmukh)
Additional Sessions Judge,
Sindhudurg-Oros.