

IN THE COURT OF SESSIONS JUDGE, SOLAPUR
Sessions Case No. 132/2025

State of Maharashtra

V/s.

Manisha Mahesh Mane @ Musale

ORDER BELOW EXH. 18

(Delivered on this 20th day of April, 2026)

1. Heard learned advocate for accused and learned APP for the State. Perused the application, say filed thereon and the record.
2. This is an application under section 250 of the Bharatiya Nyaya Sanhita, 2023 (herein after to be referred as "BNS") for discharge of the accused.

Facts of the case, in brief, are as under;-

3. The applicant/accused was in service at SP Institute of Neuro Science Valsangkar Hospital, Solapur as Administrative Officer and she used to take care of all administrative affairs of said hospital. Dr. Shirish Valsangkar, a Neurologist was one of the Director of said hospital along with three other directors.
4. It is alleged that, on 18/04/2025, due to threats given by this applicant of maligning and damaging reputation by killing her two sons and then committing suicide, Dr. Shirish Valsangkar has committed suicide. The son of the deceased Dr. Ashwin Valsangkar lodged an F.I.R to that effect alleging that, on 17/04/2025 at about 4.07 p.m., the applicant/accused sent an e-mail to the deceased on his e-mail id and also sent a copy of said e-mail to son the informant as well. The subject of said mail was regarding harassment of the applicant/accused by the

hospital, due to which, deceased got disturbed and emotionally upset. Thereafter, at about 7.00 p.m. on that day, the informant, his mother and deceased having a discussion in the cabin of the deceased in said hospital, that time, the applicant/accused suddenly entered in said cabin and handed over one paper to the informant. It was the copy of the previous mail, which was sent by this applicant/accused. The informant read over said letter to his parents and said that, they need to file a complaint against the applicant/accused. The informant got very upset for the reason that, this applicant/accused was working with them since long time and felt that, she need to be made to understand, then, the informant went away from the hospital and the deceased and his wife pacified the applicant. Then, the applicant/accused gave another letter tendering her apology, but, deceased was absolutely disturbed due to the allegations so leveled against him and therefore, at about 8.45 p.m. on 18/04/2025, deceased committed suicide by shooting himself with his gun in his residential house and thus, it is alleged that, this applicant/accused has abetted commission of suicide by deceased.

5. It is also claimed that, a suicide note was also found in the clothes of deceased the deceased, in which, he has stated that, since this applicant/accused has made false and baseless allegations against him and threatened him, he was deeply saddened by the same and therefore, he committed suicide. With such allegations, the informant has lodged an FIR, in view of which, present crime is registered against the applicant/accused and after conducting thorough investigation, charge sheet came to be filed against this applicant for the offence punishable under section 108 of the BNS.

6. This applicant by claiming that, in view of allegations so leveled, section 108 of BNS do not get attracted and filed present application for discharge on following grounds;-

- a. that, though initially this applicant sent a mail to the deceased, but thereafter, she tendered apology and the dispute regarding harassment was over, therefore, there was no cause to commit the suicide on said ground.
- b. there was a gap of 25 hours between sending of mail by this applicant to Dr. Valsangkar and commission of suicide by him and therefore, it can not be said that, it was the immediate cause for commission of suicide by him.
- c. The suicide note and its seizure both are suspicious as it came to be seized on 19/04/2025 at 9.15 p.m. While, clothes of the deceased were collected by police on 18/04/2025 and therefore, since note was recovered after 22 hours of the incident, it is apparent that, it was planted.
- d. That, the note was written in Marathi language, but, since the year 2001, deceased Dr. Valsangkar did not write or sign in Marathi and always he used to write and sign in English.
- e. Though allegations of misappropriation are leveled against the applicant, there is no evidence in charge sheet regarding the same.

- f. The spot panchanama shows that, door of the bedroom and bathroom of deceased were open and body of deceased was found in the bathroom, but, the pistol was recovered from drawer of the bedroom, which shows that, there is a possibility of tampering of evidence to implicate this applicant in a false case.
- g. CCTV footage of the bungalow and hospital were not seized.
- h. There are no prima-faice ingredient to show that, there was proximity or nexus in the suicide and any of the alleged act of this applicant.
- i. Entire charge sheet do not reflect any intention on the part of the applicant to defraud or harm the deceased and also, to show that, this applicant instigated aided or abetted the alleged suicide and therefore, absolutely there is no evidence or material on record to frame the charge against this applicant/accused.

7. The prosecution filed a detailed say below Exh. 25 and strongly resisted the application on the ground that, during the investigation, it has been revealed that, the applicant/accused has threatened the deceased that, she will damage his reputation and therefore, deceased was in tension. It further claimed that, even after tendering an apology letter, this applicant/accused has again told to the deceased that, only temporarily and for giving good feeling she has given apology letter, but she is firm that, she is going to damage the reputation of the deceased and she is going to commit suicide, because

only due to the deceased, she has suffered huge economic losses. Those facts were told by the deceased to the informant between 6.30 to 7.15 p.m. on 18/04/2025 and on the same day, the deceased made a call to the informant and told him that, he can not forget nor can tolerate the harassment caused by this applicant and therefore, he has decided to end his life.

8. The prosecution further claimed that, during the course of investigation, it was also revealed that, in capacity of administrative officer, this applicant/accused has committed number of illegal acts and transactions, which resulted in to misappropriation of huge amount, due to which, hospital of the deceased suffered huge economic losses and therefore, deceased has withdrawn the charge of administrative officer from the applicant and has also reduced her salary, therefore, applicant/accused was completely disturbed and repeatedly she was giving threats to the deceased of destroying and damage the reputation of the deceased and his entire family. Thus, claimed that, applicant/accused blackmailed deceased and her family.

9. The prosecution further claimed that, a clear suicide note is found from the clothes of the deceased and same is sent for scientific investigation regarding the handwriting, report of which is yet to be received and as soon as same is received, it will be placed on record. It further claimed that, if the charge sheet and investigation papers are perused, then, they satisfy the ingredients of section 108 of BNS and therefore, there is no case for discharge of the applicant/accused and prayed to reject the application.

10. Learned advocate for the applicant/accused by placing reliance on various authorities vehemently argued that, already dispute between the deceased and the applicant has been resolved as the applicant has already tendered apology and 25 hours thereafter, the deceased committed suicide, which clearly show, no nexus of said suicide with the applicant. In this respect, it is also submitted by learned advocate that, the e-mail which was sent to the deceased was sent to all four directors of the hospital, but, remaining three directors Dr. Ashwin, Dr. Uma and Dr. Sonali did not react to said letter, which clearly show that, said letter was not serious.

11. He also submitted that, there is nothing to show mens rea on part of this applicant and since the deceased was renowned Neusurgeon and was the Director of this concerned hospital, he was in a position either to dismiss the applicant or lodge a complaint against her, but, under no circumstances he may have committed suicide. He further submitted that, there are no ingredients of abetment to commit suicide and also there is absence of mens rea. Apart from that, there is no proximate or direct act leading to suicide and all the allegations are completely and purely based on assumption. He also submitted that, the suicide note is highly suspicious and circumstances suggest that, death of deceased was homicidal and not suicidal.

12. Per contra, learned APP submitted that, for framing of the charge, a grave suspicion is enough and while considering the question of charge, the trial court can not make roving or fishing inquiry. He further submitted that, there is sufficient material on record to frame the charge and there is no merit in the application, so filed on record and prayed to reject the same.

13. At the outset, it is pertinent to note that, it is a settled principle that, for framing the charge, it is not necessary to consider, whether the trial will entail in to conviction or acquittal. What is required to be considered, is whether there is sufficient material on record to frame the charge and even grave suspicion is enough to frame the charge against the accused. It is also a settled principle that, while considering framing of charge or discharge of the accused, no roving or fishing inquiry can be made and also unless and until, circumstances so require defence so raised by the accused also can not be considered and for framing charge, only material placed on record by the prosecution is required to be considered.

14. In so far as present case is concerned, it is apparent that, on 17/04/2025 at about 4.07 p.m., this applicant has sent an e-mail to deceased and other three directors of the hospital, what is important is, the contents of the e-mail which reads as under;-

"आपणाकडून होत असलेल्या त्रासाच्या बाबतीत. आम्ही तीचे अधिकार कापले आहेत. पगार कमी केला आहे, मी दोन्ही मुलांना मारणार आणि येथे हॉस्पिटलमध्ये येवून पेटवून घेणार आणि त्याला सर्वस्वी जबाबदार, माझ-या बददल चूकीचे आणि खोटे पसरविले ते स्टाफ मधील लोक आणि आपण सर्व वळसंगकर कुटुंबिय जबाबदार रहाल".

15. Upon bare perusal of the contents of the e-mail, it can be noted that, a serious threat have been extended by the applicant by using specific word that, she will kill her two sons and will set herself ablaze by coming to the hospital and entire Valsangkar family will be responsible for the same. Such a threat can not be considered not to be a serious issue as claimed by the applicant and certainly, same can not be taken lightly. The e-mail also discloses the existing dispute between the

applicant and the hospital administration. Visiting the chamber of the deceased, just three hours after sending the mail and handing over copy of letter to the informant also shows the aggression on the part of the applicant. Verily, thereafter, applicant appear to have tendered an apology by stating that, due to emotional disturbance, she has given the letter and she prayed to forgive her.

16. Further more, as per the case of prosecution, even after tendering apology, applicant/accused did not stop and threatened deceased by saying that, her apology is a temporary measure and have been tendered just to give a good feeling to him, but she is firm on her stand, which clearly shows that, temporarily she has tendered the apology, but, she was stuck to the stand so taken by her.

17. Another important piece of evidence is recovery of a suicide note from the clothes of the deceased.

18. Learned advocate for the applicant vehemently argued that, postmortem examination of the dead body of the deceased was conducted on 19/04/2025 and postmortem examination report clearly show that, at the time of examination, there were no clothes on the person of the deceased and thus, recovery of suicide note from clothes is highly suspicious and appear to have been planted. It is also stand of the applicant/accused that, after the year 2001, deceased wrote and signed in English language only and he never wrote Marathi and therefore, suicide note appear to be highly suspicious.

19. Learned APP submitted that, soon after the incident, the deceased was rushed to the hospital for treatment and that time, his

clothes were removed and were substituted with the clothes of hospital. The clothes on the person of the deceased were handed over to the police on 18/04/2025 itself and therefore, there was no question of having any clothes on the person of the deceased at the time of postmortem examination.

20. The question whether suicide note was planted or not or whether there was something fishy in recovery of the suicide note or whether since the year 2001, deceased has stopped writing and signing in Marathi language and was only using English language is a question to be decided on merits after leading evidence on record and at this stage, no such inference can be drawn.

21. At this stage, the material on record clearly show that, earlier an e-mail was sent by this applicant to the deceased and thereafter, deceased committed suicide leaving a suicide note behind him, expressing his grief that, he has nurtured this applicant and brought her to the level of administrative officer of the hospital, but, in return, she has threatened him by making false and baseless allegations against him, due to which, he was too much saddened and therefore, he is ending his life. Furthermore, the suicide note along with some samples of handwriting of the deceased have been forwarded to the handwriting expert and report regarding the same is still awaited, as such no opinion can be expressed regarding the suicide note.

22. There are statement of witnesses on record which shows existence of dispute raised by this applicant and also prima-facie show that, she has adopted some malpractices and caused loss to the hospital, due to which, deceased has reduced her salary and has also withdrawn

her powers, due to which, applicant was infuriated. The language of the mail itself shows that, she has given a serious threats to the deceased.

23. In so far as other grounds so raised by the applicant/accused that, the case is of suspected homicide and not of the suicide, absence of proximate or direct act leading to suicide and mens rea, the state of mind etc. are the matters to be decided on merits after leading of evidence and those grounds neither can be presumed nor can be considered at this stage.

24. In support of his version, learned advocate for the applicant/accused placed reliance on various authorities. He relied on the judgment of Hon'ble Apex Court in the case of **Shenbagavalli and others V/s. Inspector of Police, Kancheepuram District and others, 2005 GoJuris (SC) 513**, wherein, the question before Hon'ble Apex Court was whether the suicide note disclose any instigation, harassment or abetment to commit suicide in proximate connection to the suicide. In said case, no interaction/contract took place between deceased and accused, between the period from 11/11/2013 and the suicide on 09/12/2013 and Hon'ble Apex Court has been pleased to hold that, mere insults, quarrels, threats made a month before suicide can not amount to abetment, especially in the absence of continuous harassment. In the case in hand, facts are not so as were before Hon'ble Apex Court. In present case, there is a proximity of the allegations made and threats given by the applicant with the commission of suicide as the mail was sent on 17/04/2025 and deceased committed suicide on the next day on 18/04/2025, therefore, with due respect, judgment is of no help to the applicant/accused.

25. He further relied on the judgment of Hon'ble Apex Court in the case of **Prakash and others V/s. The State of Maharashtra and another, 2024 INSC 1020**. In said case under consideration before Hon'ble apex court the dispute was between husband and wife and wife has committed suicide, but, prior to that, there were litigations filed by the wife against the husband and efforts were made to settle the dispute, but, same could not be settled. The attempt was also made to settle the dispute in Maha-lokadalat held on 17/02/2015, but, no amicable settlement could be arrived that and thereafter, on 20/03/2015, wife has committed suicide. Thus, in the case under consideration, there was a long gap between the period of allegations of harassment and in view of the same, Hon'ble Hon'ble Apex court has been pleased to hold as under;-

“15. Abetment involves a mental process of instigating or intentionally aiding another person to do a particular thing. To bring a charge under section 306 of the IPC, the act of abetment would require the positive act of instigating or intentionally aiding another person to commit suicide. Without such mens rea on the part of the accused person being apparent from the face of the record, a charge under the aforesaid section can not be sustained. Abetment also requires an active act, direct or indirect, on the part of the accused person which left the deceased with no other option but to commit suicide”.

26. The facts of the present case are altogether different from the case before Hon'ble Apex Court and therefore, is of no help to the applicant.

27. Lastly, learned advocate for the applicant has placed reliance on the judgment of Hon'ble Apex Court in the case of **Sanju @ Sanjay Singh Sengar V/s. State of MP**, wherein, the Hon'ble Apex court has been pleased to hold as under;-

13..... It is common knowledge that the words uttered in a quarrel or in a spur of the moment cannot be taken to be uttered with mens rea. It is in a fit of anger and emotional. Secondly, the alleged abusive words, said to have been told to the deceased were on 25th July, 1998 ensued by quarrel. The deceased was found hanging on 27th July, 1998. Assuming that the deceased had taken the abusive language seriously, he had enough time in between to think over and reflect and, therefore, it cannot be said that the abusive language, which had been used by the appellant on 25th July, 1998 drove the deceased to commit suicide. Suicide by the deceased on 27th July, 1998 is not proximate to the abusive language uttered by the appellant on 25th July, 1998. The fact that the deceased committed suicide on 27th July, 1998 would itself clearly pointed out that it is not the direct result of the quarrel taken place on 25th July, 1998 when it is alleged that the appellant had used the abusive language and also told the deceased to go and die. This fact had escaped notice of the courts below.

28. In this case, accused told the deceased to go and die and Hon'ble Apex court held that, that itself could not constitute ingredient of the investigation and therefore, has been pleased to quash the charge sheet so filed for the offence punishable under section 306 of IPC. While considering the stand of the appellant, Hon'ble Apex Court has also been

pleased to hold that, the words uttered in quarrel or in a spur of moment can not be taken to be uttered with mens rea.

29. Such are not the facts in the case in hand, as the e-mail so sent by the applicant can not be termed as merely some words uttered by her, but, it was long written mail and clearly disclose the threats extended by her to the deceased. Thus, with due respects, the authority is also of no help to the applicant.

30. Summing up, it is apparent that, there is sufficient material on record which gives rise to a grave suspicion and also prima-facie shows that, commission of suicide by the deceased was in connection with the threats given by this applicant.

31. The record shows that, deceased was a renowned Neurologist and though mail by the applicant may not have affected other directors, but, it may have created a deep impact on the deceased as he himself claimed to have nurtured the applicant, due to which, she was raised to the level of administrative officer of the hospital.

32. At this stage, it is only required to be seen, whether there is sufficient material on record to frame the charge against the applicant and there is more than sufficient material on record for framing of the charge. Furthermore, some of the grounds so raised are required to be considered on merits, after leading of the evidence and at this stage, those grounds can not be considered. In view of all aforesaid facts, no case is made out for discharge of the applicant and there is no merit in the application. Thus, same deserve to be rejected. Hence, following order is passed.

ORDER

1. Application below Exh. 18 is hereby rejected.
2. Application below Exh. 18 stands disposed of accordingly.

Date : 20/04/2026.

(Manoj S. Sharma)
Sessions Judge, Solapur

CERTIFICATE

I affirm that, the contents of this PDF file order are same word to word, as per the original order.

Name of the Court : Principal District & Sessions Court,
Solapur.

Name of Stenographer : P N. Kanaki

Order signed by the
Presiding Officer on : 20/04/2026

Order uploaded on : 20/04/2026