

**S. T. No. 44/2022**  
**State Vs. Gajanan**  
**CNR No. MHWS010006382022**

**ORDER BELOW EXH.34**

The present application is filed by the accused for discharge under Section 227 of Cr.P.C.

2] The present crime is pending against the accused for the allegations made by the prosecution that the marriage of deceased Jayshree was solemnized with accused no.1 on 24/04/2023. Thereafter, she cohabited with the accused persons. From the wedlock deceased Jayshree was having two children. One year after the marriage accused were torturing and harassing the deceased for bringing Rs.1,50,000/- from her parents. When the suffering of the deceased Jayashree became unbearable, she had given report against the accused persons on 15/11/2016 in Police Station Washim Gramin for the offences punishable under Sections 498A r/w 34 of IPC. On the basis of said report, crime was registered against the accused and the same is pending before the Trial Court. Deceased Jayshree was attending said proceeding. However, she was continuously remaining under pressure as she was worried about her future and future of her children. Due to said mental pressure on 18/07/2019 at about 10.30 a.m. she took both the children in one room, locked the same and thereafter she had hanged them and then she committed suicide. Prior to her death, she had written suicide note wherein she has stated that she is compelled to commit suicide due to harassments and torture by the accused persons.

3] It is contention of all the accused persons that they are

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falsely implicated in the present case. According to him, initial Crime No.183/2019 was registered under Section 302 of IPC. No prima-facie case is made out against the accused persons. Said incident had taken place in the year 18/07/2019 and complaint is given on 06/07/2020 i.e. approximately after one year. The delay is not at all explained. It is further contention of accused that since 15/10/2016 deceased Jayshree was residing with her parents and she was having no communication with the accused persons. For the alleged ill-treatment and cruelty deceased Jayshree had already filed report and on the basis of same, Crime No.321/2016 was registered against the accused. Charge-sheet was filed against the accused and they were facing trial in RCC No.38/2017 in the Court of CJM, Washim. Said case was decided and all the accused have been acquitted on 06/11/2019. Even when the deceased Jayshree was cohabiting with the accused persons she was residing separately with accused Gajanan and other accused had no concern with them.

4] It is further contention of the accused that though the prosecution has alleged that the deceased Jayshree had left suicide note still the same is implanted. After commission of suicide by the deceased Jayshree along with her children on 18/06/2019 report was lodged by the informant and on the basis of same police have registered Crime No.183/2019 for the offence punishable under Section 302 of IPC. In the said crime there was no reference of the suicide note. There is also no reference of the suicide note in spot panchanama. Thus, the theory of suicide note of the prosecution is not acceptable. It is further their contention that on 03/11/2019 brother of deceased Jayshree had assaulted accused Sanjay and he

had registered report against them and on the basis of same offence is registered against the brother of deceased under Section 326, 323, 504, 506 r/w 34 of IPC. It is contention of accused that there is no material against them and there is no merits in the prosecution case. The accused had deliberately implicated in the false case and hence the application needs to be rejected.

5] The said application is strongly opposed by the Ld. APP by filing say over it. It is her contention that in FIR there are specific allegations of ill-treatment by the accused to the deceased and demand of dowry. Deceased had written suicide note and her handwriting is identified by the informant and other witnesses. Thus, there is material on record showing the prima-facie involvement of the accused and present application is without merits and needs to be rejected.

6] Heard Ld. Advocate for both sides at length. They have argued in accordance with their contentions in the application and say. Ld. Advocate for accused in support of his argument that if there is inordinate delay in filing FIR and after thought introduction of suicide note, then no offence is made out against the accused, has placed reliance on the following authorities :

i] **R. Shashirekha vs. State of Karnataka & Ors, 2025 All SCR (Cri) 1185** wherein it is held by Hon'ble Supreme Court that :

*“Quashing of Proceedings. FIR filed 39 days after incident. Allegations based on death note, found afterthought. Not amounting to instigating deceased to commit suicide. FIR quashed.”*

ii] **Vasant @ Girish Akbarasab Sanavale & Anr. vs. State of Karnataka, 2025 All SCR (Cri)1191** wherein it is held by Hon'ble Supreme Court that :

*“ Dying declaration by deceased-wife nowhere mentioned husband. Nothing to show husband shared common intention with mother who poured kerosene on deceased and set her on fire. Mother-in-law convicted, husband acquitted.”*

iii] **Rajshekhar Udayprasad Singh & Anr, Vs. The State of Maharashtra & Anr, 2024 All MR (Cri) 2678** wherein it is held by Hon'ble Bombay High Court that :

*“ Suicide note does not sufficiently clarify as to whether only Applicants were threatening deceased or not incriminating material available in form of FIR, email and suicide notes against applicants, held, not sufficient to make out offence u/S.306 r/w S. 34 of IPC.”*

7] Considering the submission of Ld. Advocate for both sides so also on perusal of record it appears that as submitted by Ld. Advocate for accused there is substantial delay in filing FIR. However, it is case of prosecution that deceased has written suicide note specifying the names of the accused who are responsible for her suicide. It is argued by Ld. Advocate for accused that said suicide note is falsely implanted by the relatives of the deceased and they have falsely implicated accused. However, it needs to be appreciated that the said suicide note is alleged to be in handwriting of deceased and her handwriting is identified by her relatives. Said suicide note is sent to handwriting expert for obtaining expert opinion on handwriting of deceased and said opinion is not yet received. In the

said circumstances, no inference can be drawn at the stage with the said suicide note is implanted. Further it is settled position that while considering the discharge application the merits and demerits of the prosecution case cannot be considered. In case in hand investigation is complete and charge-sheet is filed against the accused. From the charge-sheet and statement of witnesses it reveals that deceased had committed suicide due to harassment by the accused for demand of dowry. As far as authorities relied by the Ld. Advocate for accused are concerned, those are with respect to quashing of FIR by the Hon'ble Supreme Court and Hon'ble High Court by exercising power under Section 482 of Cr.P.C. So also the authorities are with respect to the ingredients necessary for commission of offence under Section 306 of IPC. In the present case along with Section 306 of IPC accused are also facing trial for the offence punishable under Section 304B of IPC. Hence, with utmost respect to the ratio in the aforesaid authorities, in my opinion same is not helpful to the accused at this stage.

8] In view of the aforesaid discussion, at this stage I have come to the conclusion that in the charge-sheet there is evidence to show that accused have committed offence. As such it cannot be said that there is no material on record to proceed against the accused. Therefore, application is a devoid of merits and accordingly in the interest of Justice I proceed to pass following order.

**ORDER**

Application is rejected.

(M. S. Shahastrabudhe)

Additional Sessions Judge, Washim.

Date: 09/06/2026

**CERTIFICATE**

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order :-

Name of the Stenographer	:-	R.K.Pawar Stenographer (Grade-1)
Court Name	:-	District Judge-3 & Additional Sessions Judge, Washim
Date	:-	09/06/2026
Order signed by the Presiding Officer	:-	09/06/2026
on	:-	09/06/2026
Order uploaded on	:-	09/06/2026