

Sessions Case No.10/2022
State ..Vs. Rachana Khandare+3
(CNR No.MHYA010002112022)

ORAL ORDER BELOW EXH. 16

1. This is an application for the discharge of the accused persons. Perused the record. Heard the learned counsel appearing for the accused persons as well as the learned APP for the prosecution.

2. The allegations leveled against the accused persons in the charge-sheet are to the extent that on 19.10.2016, there was altercation of words and beating to the deceased, by one of his in-laws. It is further alleged that the in-laws of the deceased did not use to give good treatment to him and they used to intimidate him. A proceeding under the D.V. Act was also instituted by the wife of the deceased against him. It is alleged that the deceased was fed up of the treatment meted out to him by his wife and his in-laws, as the consequence whereof, the deceased committed suicide. A suicide note on a wall was also found.

3. As per the suicide note, which has been unveiled in the spot panchanama, false allegations were leveled by the wife of the deceased, while leaving his matrimonial company. A report was lodged against the deceased with the police on 19.10.2016, thereby alleging beating by the deceased to the brother of his wife. He further mentioned therein that he was unable to live without

his wife and son. Thereafter, he mentioned that due to the torture meted out to him for two years, he decided to commit suicide.

4. It is submitted by the learned counsel for the accused that there was no abetment or instigation to commit suicide. There was no intention on the part of the accused that the deceased should commit suicide. He relied upon an authority in **Criminal Appeal No. of 2024 (Arising out of SLP (Cri.) No. 1073 of 2023), Prakash and others ..Vs.. The State of Maharashtra and another, by the Hon'ble Supreme Court, dated 20th December, 2024**, wherein it was observed by the Hon'ble Apex Court that there has to be intention to push one to commit suicide or one has to be left with no other option but to commit suicide.

5. *Per contra*, it is submitted by the learned APP that the accused are named in the suicide note, wherein there is the mention of mental torture and the reasons for committing suicide. There is *prima facie* case. Instigation is seen. There are grounds for proceeding against the accused.

6. It is seen that the deceased mentioned in the suicide note that false allegations were leveled against him, about nine months before the commission of suicide. It is the further contention of the prosecution that the deceased was not being given good treatment by his in-laws, and that, a proceeding under the D.V. Act was also instituted against the deceased. These

allegations cannot *prima facie* lead to an inference that there was an instigation for the commission of suicide. Incident of marital discord or incident of beating, coupled with abstention from giving good treatment cannot be said to be an instigation to commit suicide, for the simple reason that the same cannot either amount to instigation, nor the same can be said to have left the deceased with no option, than to think of ending his own life. The accused persons cannot be said to have intended the deceased to commit suicide, by giving the treatment, as alleged to have been given, even if the said allegations are taken to be true on their face value. Apart from the same, in the suicide note itself the deceased appears to have mentioned that he was unable to survive without his wife and son. It *prima facie* appears that the cause of commission of suicide was the frustration of the deceased.

7. In the light of the foregoing observations, this court is unable to find any ground for proceeding against the accused for the offence punishable under section 306 read with 34 of the IPC. Hence, the accused persons deserve to be discharged. They be discharged, accordingly, by passing an order below Exh.1.

Date: 12/03/2026
Place: Yavatmal.

(S.U. Baghele)
Additional Sessions Judge,
Yavatmal.