

MHTH230013622022



Instituted on : 17.06.2022

Registered on : 17.06.2022

Decided on : 30.07.2026

Duration : 04 01 13
Y M D**Exh.57**

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, COURT NO.3,
VASAI, DIST. THANE**

Presided over by : Dr.Ms.G.D.Nirmale, Additional Sessions Judge, Vasai.
[30th day of July 2026]
[Sessions Case No.39/2022]
FIR C.R.NO.I-540/2021, NALASOPARA POLICE STATION

PROSECUTION COMPLAINANT	STATE OF MAHARASHTRA (THROUGH NALASOPARA POLICE STATION)
REPRESENTED BY	A.P.P. Shri.P.B.Bankar
ACCUSED	1. Sandip Keshav Verma Age 37 years, Occ. : Private Service, Residing at : Room No.402, B Wing, Sub-Height, SDIL Lay Out, Sector No.7, Mauje Virar (West), Tq. Vasai, Dist. Palghar. 2. Laxmi Prem Singh Age 44 years, Occ : Private Service, Residing at : Room No.201, A Wing, GMNX Complex, Virar (West), Tq. Vasai, Dist. Palghar. 3. Radhika Arjun Sonar, Age 52 years, Occ : Household

	Residing at : Room No.203, B Wing, 2 nd floor, Panch Sheel Apartment, Achole, Nalasopara, Tq. Vasai, Dist. Palghar.
REPRESENTED BY	Advocate Mr.Bholanath Rai

PART 'B'**[Para 44 (ii) of Chapter VI of Criminal Manual]**

Date of offence	22.11.2021
Date of FIR	27.11.2021
Date of Charge-sheet	28.02.2022
Date of Framing of Charges	05.07.2025
Date of commencement of evidence	04.06.2026
Date on which judgment is reserved	30.07.2026
Date of the Judgment	30.07.2026
Date of the Sentencing Order, if any	Nil

Details of Accused

Rank of accused	Name of accused	Date of Arrest	Date of Release on Bail	Offence charged with	Whether acquitted or convicted	Sentence imposed	Period of Detention Undergone during Trial for purpose of Section 428,

							Cr.P.C.
1)	Sandip Keshav Verma	29.12.2021	17.03.2022	Section 306 r/w Sec. 34 of Indian Penal Code, 1860.	Acquitted	--	--
2)	Laxmi Prem Singh	29.12.2021	17.03.2022	Section 306 r/w Sec. 34 of Indian Penal Code, 1860.	Acquitted	--	--
3)	Radhika Arjun Sonar	29.12.2021	17.03.2022	Section 306 r/w Sec. 34 of Indian Penal Code, 1860.	Acquitted	--	--

PART 'C'**[Para 44 (iii) of Chapter VI of Criminal Manual]****LIST OF PROSECUTION / DEFENSE / COURT WITNESSES****A. Prosecution :**

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1/ Exh.13	Dilip Keshav Varma	Informant.
PW-2 / Exh.17	Sachin Baban Mohite	Panch witness No.1.
PW-3 / Exh.25	Anita Dilip Varma	Witness.
PW-4 / Exh.37	Hiraman Utta, Bhoys	Investigating Officer.

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B. Defence Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1/ Exh.52	Ms.Sushila Keshav Varma	Other witness

C. Court Witnesses, if any :

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	-N.A.-	-N.A.-

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution :**

Sr. No.	Exhibit No.	Description
1	14	Report (PW1)
2	15	Printed FIR (PW1)
3	16	Complaint dated 21.07.2020 of the deceased.

4	18	Seizure Panchanama (PW2) dated 02.12.2021.
5	19	Inquest Panchanama dated 22.11.2021.
6	20	Post Mortem Report dated 22.11.2021.
7	38	Seizure Panchanama (PW4) dated 31.01.2022.
8	39	Letter dated 29.01.2022 (PW4) to hand writing expert.
9	40	Letter dated 29.01.2022 (PW4) to Forensic Examination, at Kalina.
10	42	Spot Panchanama dated 22.11.2021.

B. Defence :

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

C. Court Exhibits :

Sr. No.	Exhibit Number	Description
Nil	Nil	Nil

D. Material objects :

Sr. No.	Material Object Number	Description
Nil	Nil	Nil

J U D G M E N T
(Delivered on 30.07.2026)

1. Three children of the deceased are arraigned for commission of offenses punishable under section 306 read with section 34 of the Indian Penal Code (for the sake of brevity hereinafter referred to as 'I.P.C.'), for abetting their father to commit suicide.

The facts bereft of unnecessary details are enumerated below :-

2. On 22.11.2021, the police station Nalasopara registered an Accidental Death Report No.54/2021 on the basis of information given by Anita Dilip Varma, about the suicide by hanging committed by her father-in-law, Mr.Keshav Vishwanath Varma, aged 65 years, on the night intervening 21.11.2021 to 22.11.2021, at her house where the deceased had been residing for the past 02 years.

3. Subsequently, on 27.11.2021, Dilip Keshav Varma, i.e. eldest son of the deceased, and husband of Anita Varma, lodged report at the said police station. According to the informant, his brother accused No.1 induced his father to give an amount of Rs.4,70,000/- by cheque and Rs.50,000/- by cash on a false promise of purchasing a new flat in a good society on his name. However, accused No.1 cheated the deceased by purchasing the flat jointly on the name of his wife and himself. The accused No.1 harassed the deceased from time to time thereafter and then drove

him out of his house on 28.06.2020 after which the deceased was residing with the informant. According to the informant, the deceased had purchased a flat at New Mukharji Nagar, Devas, Madhya Pradesh, on the name of his wife. However, accused No.3, i.e. daughter of the deceased was holding possession of the said room for the past 16 years. She harassed the deceased when he demanded the possession of the said room. Accused No.2 was residing with the informant on account of discord with her in-laws. The deceased use exhort the accused No.2, for patching up her dispute, which she did not like and used to harass the deceased. According to the informant, on being fed-up of harassment by the accused, the deceased committed suicide by hanging himself.

4. On the basis of the report lodged by the informant Crime No. 540/2021 dated 27.11.2021, under Section 306 read with Section 34 of IPC, was registered with Nalasopara Police Station and work of investigation was carried out by A.P.I. Mr.Hiraman Uttam Bhoir of Nalasopara Police Station.

5. During investigation, investigating agency recorded statements of the witnesses, collected relevant evidence in form of medical evidence and drawn various panchnamas and collected other relevant evidence for the purpose of proving the offence. After having found material against the accused, charge-sheet came to be filed.

6. As the offence punishable under section 306 of the Indian Penal Code is exclusively triable by the Court of Sessions, Judicial Magistrate, First Class, Vasai vide order dated 20.04.2022 committed the matter for trial to this Court.

Charge :-

7. Accused abjured the guilt and claimed to be tried when charge (Exh-07) was read over and explained to them in vernacular by my learned predecessor.

Evidence for Prosecution :-

8. To substantiate the charges leveled against the accused, prosecution examined four witnesses. Dilip Keshav Varma (PW1 Exh.13), is the informant, Sachin Baban Mhatre (PW2 Exh.17) the panch witness, Anita Dilip Varma (PW3 Exh.25) is the wife of the informant, and Assistant Police Inspector Mr. Hiranman Uttam Bhoje (PW4 Exh.37) is the investigation officer.

Defence :-

9. From the scrutiny of the cross examination and answers given by the accused during the statement recorded under Section 313 Cr. P. C. (Exh-47 to 49), the defence of the accused is found to be that of total denial and false implication.

10. Accused also examined their mother Ms. Sushila Keshav Varma (DW1 Exh.52) as a defence witness.

11. Perused the evidence on record. Heard Mr. P.B.Bankar learned APP for the State and Mr.Bholanath Rai learned counsel for the accused. Also perused written submission (Exh.55) filed by the accused.

Points for determination:

12. In view of offence charged against the accused,

following points arise for determination the finding and reasons for which are recorded as under :-

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1.	Whether the prosecution has proved that the accused in furtherance of their common intention abated Mr.Keshav Vishwanath Varma, to commit suicide ?	No
2.	What order?	Accused stands acquitted.

REASONS

POINT NOS. 1 AND 2 :-

13. As these points are interlinked, they are taken up together for discussion to avoid repetition.

14. In order to prove the charge under Section 306 of IPC, it is necessary that the prosecution is required to firstly prove under Section 306 of the Indian Penal Code, that as suicide has been committed; secondly the prosecution must also prove that the person who is said to have abetted in the commission of suicide, has played active role in the same. Specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required in order to bring out an offence under Section 306 IPC. The intention of the accused to aid or to

instigate or to abet the deceased to commit suicide is a must for this particular offence under Section 306 IPC. The prosecution evidence will have to be scanned to see whether the prosecution succeeds in bringing home the guilt of accused.

15. The prosecution case is founded on the testimony of the informant Dilip Keshav Varma (PW1 Exh.13). In addition to the testimony of the informant, the prosecution evidence includes the testimony of Mrs.Anita Dilip Varma (PW3 Exh.25)i.e., the wife of the informant, a panch witness Mr.Sachin Baban Mhatre (PW2 Exh.17) and the investigation officer Assistant Police Inspector Mr. Hiranman Uttam Bhoje (PW4 Exh.37).

16. At the outset, it is worth mentioning here that the accused admitted that Mr.Keshav Vishwanath Varma committed suicide. The accused has also admitted inquest panchanama (Exh.19), Post-Mortem Report (Exh.20), and Spot Panchanama (Exh.41). Thus, the fact that deceased Mr.Keshav Varma, committed suicide at the house of informant is admitted hence proved, as per Section 58 of the Indian Evidence Act, 1872.

17. The informant admittedly is sibling of the accused and the deceased was residing with him since 02 years presiding his death. In his testimony, the informant Dilip Keshav Varma (PW1 Exh.13) deposed that accused No.1 harassed his father and deceived him by inducing him to deliver amount of Rs.4,70,000/- by cheque and Rs.50,000/- by cash on a false promise of purchasing a new flat in a good society on his name. Accused No.1 mentally harassed his father. His father even lodged a report

(Exh.16) against accused No.1. Accused No.3 retained the possession of room purchased by his father at Devas, Madhya Pradesh and accused No.2 had discord with his father. His father committed suicide on being fed-up of all the domestic quarrels by hanging himself on 21.11.2021, affixing a note written on a paper to his T-Shirt, stating “do not touch me without police”. His testimony is corroborated by his FIR (Exh.14).

18. During his cross-examination, he admitted that his father used to consume liquor on daily basis. He further admitted that, he never saw any accused while abetting his father to commit suicide. He further admitted that, none of the accused were residing with him on the day on which his father committed suicide. He feigned ignorance when he asked about alibi of accused No.1 on the day of incident.

19. Mrs Anita Dilip Varma (PW3 Exh.25) i.e., the wife of the informant, deposed about the monetary transaction and property disputes between the accused and the deceased. Her testimony is consonance with that of her husband. However, during cross-examination she candidly admitted that she never witness any transaction between the deceased and the accused. She further admitted that, she never saw the deceased while writing suicide note. She also admitted that, the deceased used to consume alcohol and he committed suicide on account of property disputes.

20. Mr.Sachin Baban Mhatre (PW2 Exh.17), is a panch on seizure panchanama dated 02.12.2021 (Exh.18), by which samples of natural handwriting of deceased were seized at the police station in his presence. This witness admitted in the cross-

examination that he regularly signs the panchanamas at the request of police.

21. The prosecution has examined the investigation officer Assistant Police Inspector Mr. Hiran Uttam Bhoje (PW4 Exh.37), who has deposed about conducting the investigation after reregistration of crime No.540/2021, against the Accused and preparing panchanama of the scene of occurrence (Exh.41) and recording of statement of the witnesses, collecting natural hand writing samples under seizure panchanama (Exh.18, Exh.34), forwarding the samples to the expert with letters (Exh.39 and Exh.40) and then filing charge sheet against the Accused persons. In the cross-examination, he admitted that none of the accused were present at the place of occurrence at the time of incident. He further admitted that, he did not collect any evidence regarding physical and mental state and the ailments of the deceased.

22. Witness Ms. Sushila Keshav Varma (DW1 Exh.52), examined by the accused is a mother of the informant and the accused, and widow of the deceased. She deposed that, her husband had vice of liquor. Since accused No.1, requested him to refrain from consuming liquor, he got upset and started residing with the informant. She further stated that the deceased gave Rs.4,00,000/- to the informant and Rs.4,50,000/- to accused No.1 for purchasing home. However, the informant took Rs.50,000/- back from accused No.1. The deceased started demanding refund of money from accused No.1, who in turn requested for some time for repayment. The deceased lodged report against accused No.1, and stopped communicating with the accused and this witness.

Thereafter, she learnt about his suicide. She deposed that none of her children abetted her husband to commit suicide. This witness was subjected to detail cross-examination by the prosecution, however her testimony remained unsattered and nothing favourable for prosecution could be brought on record through her cross-examination.

23. Survey of the testimony of the informant Dilip Keshav Varma (PW1 Exh.13) and Mrs Anita Dilip Varma (PW3 Exh.25), transpires that they came with a case of harassment by the accused on the count of financial and property disputes. However, there is no proof of direct or indirect acts of incitement to the commission of suicide. There is nothing on record to show that the accused played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide.

24. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. A positive act on the part of the accused to instigate or aid in committing suicide, is not forthcoming on record. There is nothing on record to prove the allegations regarding financial transactions and property disputes between the accused and the deceased. Even if it is accepted that the accused has some finance or property related dispute with the deceased, it does not mean that the accused intended or knew that their father would commit suicide because of this. Even if the version of the prosecution about the harassment on account of financial disputes is accepted as true, the act of the accused, of harassing the accused by not repaying amount or refusing to hand over possession will not, by itself, constitute the

abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide.

25. As in all crimes, *mens rea* has to be established to bring home the guilt of accused under Section 306 IPC. To prove the offence of abetment, as specified under Sec 107 of the IPC, the state of mind to commit a particular crime must be visible, to determine the culpability. In order to prove *mens rea*, there has to be something on record to establish or show that the accused herein had a guilty mind and in furtherance of that state of mind, abetted the suicide of the deceased. It ought to be noted that apart from these vague allegations, no specific instance of instigation have been pointed out by any of the witnesses. On the contrary, all the prosecution witnesses admitted that neither the accused were residing with the deceased nor did the informant Dilip Keshav Varma (PW1 Exh.13) and his wife Mrs.Anita Dilip Varma (PW3 Exh.25), have never seen the accused instigating the deceased to commit suicide. Therefore mere allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, is not sufficient to establish the guilt of accused under Section 306 IPC.

26. In the instance case, widow of deceased Ms.Sushila Keshav Varma (DW1 Exh.52), has deposed that the deceased had a vice of liquor. This fact is also admitted by the informant Dilip Keshav Varma (PW1 Exh.13) and his wife Mrs.Anita Dilip Varma (PW3 Exh.25), during cross-examination. It is a known fact that

consumption of alcohol on daily basis usually impairs cognitive function, causes mood swing and affects the nervous system of person. The probability of the deceased being hyper-sensitive to ordinary petulance, discord and differences which happen in our day-to-day life, on account of his vice of liquor cannot be ruled out. In a joint family, instances of this kind are not very uncommon. Human sensitivity of each individual differs from person to person. Each individual has his own idea of self-esteem and self-respect. Different people behave differently in the same situation. It is unfortunate that such an episode of suicide had taken place in the family. But the question remains to be answered is whether the accused can be connected with that unfortunate incident in any manner?

27. It clearly appears, that the deceased was a victim of his own vice of consuming liquor which is unconnected with the alleged discord within his family. Taking the totality of material on record and facts and circumstances of the case into consideration, the irresistible conclusion which follows is that the deceased and he alone, and none else, is responsible for his death.

28. Upon minutely examining documentary evidence and oral evidence of all the prosecution witnesses, it is found that nothing is disclosed with regard to the instigation on the part of the accused to commit act or abet committing suicide which is essential for offence under Section 306 IPC. Therefore, the prosecution has failed to discharge its burden to prove its case beyond reasonable doubt.

29. Perusal of charge sheet reveals that amount of Rs.46,500/- was seized during inquest panchanama with a mobile phone worth Rs.5,000/-. The evidence on record reveals that the children of deceased are adult able body person. His widow Ms. Sushila Keshav Varma (DW1 Exh.52) age 61 years, is a senior citizen, with no means of earning livelihood. Hence, it will be proper to deliver the cash and mobile phone of the deceased, to his widow, vide Section 452(1) of Cr.P.C., on her executing bond of Rs.50,000/- with undertaking to restore the property to the Court if this order is modified or set aside on appeal or revision.

30. Based on the discussion made above, point No.1 is answered in the negative and in answer to point no.2, following order is passed :-

<u>ORDER</u>	
1.	Accused No.1 - Sandip Keshav Verma, Age : 35 years; Accused No.2 – Laxmi Prem Singh, Age : 44 years and Accused No.3 - Radhika Arjun Sonar, Age : 52 years, are hereby acquitted of the offence punishable under Section 306 read with section 34 of Indian Penal Code, 1860 vide section 235 (1) of The Code of Criminal Procedure, 1973.
2.	Bail bonds of accused stands canceled. However, the accused shall furnish fresh PB of Rs.7,500/- (Rs. Seven Thousand Five Hundred only) towards compliance of section 437 A of The Code of Criminal Procedure, 1973. These bonds shall remain in force for six months from the date of this Order.

3.	Muddemal property i.e. amount of Rs.46,500/- and mobile phone, be delivered to widow of the deceased namely Ms. Sushila Keshav Varma, vide Section 452(1) of Cr.P.C., on her executing bond of Rs.50,000/- with undertaking to restore the property to the Court if this order is modified or set aside on appeal or revision. Remaining property being worthless be destroyed, after the appeal period is over.

Sd/-

Vasai. Date : 30.07.2026.	(Dr.Ms.G.D.Nirmale) Addl. Sessions Judge, Court No.3, Vasai
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