

MHPU010019962017



Presented on :- 09-02-2017

Registered on :- 09-02-2017

Decided on :- 13-11-2025

Duration :- :- y. m. d.  
08 08 04**IN THE COURT OF SESSIONS JUDGE, PUNE.**

(Presided over by A.I.Perampalli, Additional Session Judge )

Sessions Case No.161/2017

Exh.No. - 187

**“Part A”**

(Para 44(i) of Chapter VI of Criminal Manual)

| <b>Details of FIR/Crime and Police Station</b>   |  |
|--|--|
| Crime No. <b>629/2016</b> under Sections 306 r/w 34 of the Indian Penal Code of Pimpri Police Station, Pune. |  |
| Prosecution:-  | <b>State of Maharashtra through Police Station Pimpri , Pune</b>   |
| Complainant/<br>Informant:-  | <b>Rajani Aashish Rao,</b><br>Age : 42 years, Occ.: LIC & BIC<br>Adviser<br>R/at : Shri. Heramb Society, Nashik.                                   |
| Represented by :-  | Additional Public Prosecutor<br>Shri G. P. Gehalot.  |
| Accused:-  | <b>1] Shalini Krishna Kolhe</b><br>Age: 55 Occ. : Not known  |
|  | <b>2] Komal Deepak Choudhari</b><br>Age: 31 yrs, Occ. : Not known  |
|  | <b>3] Krushna Bajirao Kolhe</b><br>Age: 66 yrs, Occ. : Retired<br>All R/at : Plot No 26,<br>Surakshanagar, Amravati Road<br>Dattawadi, Nagpur - 23 |
| Represented by :-  | <b>Shri. Tayade P.N. Advocate for all accused.</b>   |

**Part B”**  
**( Para 44(ii) of Chapter VI of Criminal Manual)**

|                                      |  |
|--------------------------------------|--|
| Date of Offence                      | From 18/11/2010 to 24/11/2015  |
| Date of First Information Report     | 25.11.2015   |
| Date of Charge-sheet                 | 25.10.2016   |
| Date of Framing of Charges           | 15.07.2022   |
| Date of commencement of evidence     | 24.01.2023   |
| Date on which judgment is reserved   | 06.10.2025<br><i>Judgment was ready on 15/10/2025 but accused not appeared and on 03/11/2025 Presiding Officer was on leave.</i> |
| Date of the Judgment                 | 13.11.2025   |
| Date of the Sentencing Order, if any | 13.11.2025   |

**Accused Details:**

| Rank of the Accused | Name of Accused       | Date of Arrest | Date of release on bail | Offence charge with                          | Whether acquitted or convicted | Sentence imposed   | Period of detention undergone during trial for the purpose of Sec. 428 Cr.P.C |
|---------------------|-----------------------|----------------|-------------------------|--|--------------------------------|--|---|
| 1                   | Shalini Krishna Kolhe | 25.10.2016     | 25.10.2016              | Sections 304 r/w 34 of the Indian Penal Code | convicted                      | R.I. seven years and fine of Rs. 25,000/- in default SI for 6 months | On A.B. nominal arrest and immediately released.                              |

|   |                                 |                |                |  |           |   |  |
|---|---------------------------------|----------------|----------------|--|-----------|---|--|
| 2 | Komal<br>Dipak<br>Chaudh<br>ari | 25.10<br>.2016 | 25.10.<br>2016 | Sections<br>304 r/w<br>34 of<br>the<br>Indian<br>Penal<br>Code | convicted | R.I. for<br>seven<br>years<br>and fine<br>of Rs.<br>25,000/-<br>in<br>default<br>SI for 6<br>months | On A.B.<br>nominal<br>arrest and<br>immediately<br>released. |
| 3 | Krushna<br>Bajirao<br>Kolhe     | 25.10<br>.2016 | 25.10.<br>2016 | Sections<br>304 r/w<br>34 of<br>the<br>Indian<br>Penal<br>Code | Acquitted | Nil   | On A.B.<br>nominal<br>arrest and<br>immediately<br>released. |

**“Part- C”**

( Para 44(iii) of Chapter VI of Criminal Manual)

**LIST OF PROSECUTION/DEFENCE/COURT WITNESS.**

| <b>Prosecution Witnesses</b> |  |                                  |
|------------------------------|--|----------------------------------|
| Rank of<br>the<br>witness    | Name                                       | Nature of<br>Evidence            |
| PW 1                         | Mrs. Rajani Ashish Rao<br>(Exh.48)         | Informant                        |
| PW2                          | Mrs. Sunanda Swami Chaudhari<br>(Exh.56)   | witness                          |
| PW3                          | Mr. Ravi Ganpati Lakabshetty<br>(Exh.63)   | witness.                         |
| PW 4                         | Mr. Parag Prakash Vartak<br>(Exh.67)       | Witness                          |
| PW 5                         | Mr. Yashwant Ramji Kadam<br>(Exh.73)       | Security Guard                   |
| PW 6                         | Mr. Nikhil Prakash Bhure<br>(Exh.78)       | Witness                          |
| PW7                          | Mrs. Rupali Dhananjay Kulkarni<br>(Exh.86) | neighbour                        |
| PW8                          | Mr. Mangesh Dadarao Tivade<br>(Exh.91)     | First husband of<br>accused No.1 |

|       |   |                               |
|-------|---|-------------------------------|
| PW9   | Mr. Suryakant Bhanudas Kamble<br>(Exh.109)    | Handwriting<br>Expert         |
| PW10  | Smt. Savita Eknath Nanekar<br>(Exh.113)       | Panch witness                 |
| PW11  | Mr. Dinkar Raghunath Zope<br>(Exh.132)        | Maternal uncle of<br>deceased |
| PW12  | Mrs. Ratnamala Trimbakrao<br>Sawant (Exh.134) | Investigating<br>Officer      |
| PW 13 | Mr. Siddharth Kisan Mhaske<br>(Exh.149)       | Panch witness                 |
| PW 14 | Mr. Ishwar Dhuraji Jagdale<br>(Exh.156)       | Investigating<br>Officer      |

**Defence Witnesses, if any**

| Rank of the witness | Name | Nature of Evidence |
|---------------------|------|--------------------|
| NIL                 | NIL  | NIL                |

**Court Witnesses, if any**

| Rank of the witness | Name | Nature of Evidence |
|---------------------|------|--------------------|
| NIL                 | NIL  | NIL                |

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

| Sr. No | Exhibit No.       | Description                              |
|--------|-------------------|--|
| 1.     | Exh.49 & 50/ PW 1 | Complaint & FIR                          |
| 2.     | Exh. 52/ PW 1     | Suicide Note                             |
| 3.     | Exh. 52/ PW 1     | Complaint dated<br>22/11/2015            |
| 4.     | Exh. 59 / PW 2    | Carbon copy of Report<br>dtd. 22/05/2014 |
| 5.     | Exh. 68/ PW 4     | Spot panchnama                           |
| 6.     | Ex.69/ PW 4       | Photographs                              |
| 7.     | Exh. 79/PW 6      | Copy of messages                         |
| 8.     | Exh. 92/PW 8      | Certified copy of N.C.                   |

|     |                   |   |
|-----|-------------------|---|
| 9.  | Exh. 93/ PW 8     | Complaint lodged to Commissioner of police                          |
| 10. | Exh. 96,97/ PW8   | Seizure Panchnama   |
| 11. | Exh. 98/ PW8      | Memorandum of Postmortem report                                     |
| 12. | Exh.99/ PW8       | Inquest Panchnama   |
| 13. | Exh.100/ PW8      | Advance death Certificate   |
| 14. | Exh.110/ PW 9     | Opinion of State Examiner of documents.                             |
| 15. | Exh.114/ PW 10    | Seizure panchnama   |
| 16. | Exh.115,116/PW 10 | Books   |
| 17. | Exh.117/ PW 10    | Label of nylon rope   |
| 18. | Exh.118/PW 10     | Seizure panchnama of diary  |
| 19. | Exh. 133/PW 11    | Certified copy of bank passbook                                     |
| 20. | Exh. 135 / PW 12  | Application by deceased to Chichwad police station.                 |
| 21. | Exh. 136 / PW12   | Certified copy of that application.                                 |
| 22. | Exh. 137/PW 12    | Seizure panchnama of mobile of wife of deceased Komal (admitted)    |
| 23  | Exh. 138/ PW 12   | Letter for CDR (admitted)   |
| 24  | Exh. 139/PW12     | Letter to Cadestal Surveyor (Admitted)                              |
| 25  | Exh.140/PW12      | Letter for postmortem notes of deceased (admitted).                 |
| 26  | Exh.141/PW12      | Letter forwarding seized articles to Handwriting Expert (admitted). |

|    |                       |  |
|----|-----------------------|--|
| 27 | Exh. 142/PW12         | Letter collecting NC from first husband of Komal (admitted). |
| 28 | Exh. 143 to 145/PW 12 | Letters to ICICI Bank, HDFC Bank and SBI Bank (Admitted)     |
| 29 | Exh.150/ PW13         | Inquest Panchnama (admitted).                                |
| 30 | Exh.157/ PW12         | Report of Shri Khedekar(admitted)                            |
| 31 | Exh. 158 to 159 PW12  | Entries in station diary. (admitted)                         |
| 32 | Exh.160/PW12          | Two reports of station diary (admitted).                     |
| 33 | Exh. 161/PW12         | Letter to PI, Chinchwad PS (Admitted)                        |

**B. Defence:**

| Sr. No | Exhibit No. | Description |
|--------|-------------|-------------|
| 1      | NIL         | NIL         |

**C. Court Exhibits:**

| Sr. No | Exhibit No. | Description |
|--------|-------------|-------------|
| 1      | NIL         | NIL         |

**D. Material Objects :**

| Sr. No | Material No.     | Description                          |
|--------|------------------|--------------------------------------|
| 1.     | One suicide note | White paper with blue letters        |
| 2.     | Nylon rope       | parrot coloured                      |
| 3.     | Hanki            | White in colour                      |
| 4.     | कौटुंबिक चातुर्य | Blue covered book                    |
| 5.     | One book         | Yellow blackish orange white covered |

|    |                               |   |
|----|-------------------------------|---|
| 6. | Complaint application         | Written in Marathi and English dated 22/10/2025 by deceased to PI Chinchwad PS. |
| 7. | One dirty white covered diary | White colour  |
| 8. | Two mobile phones             | One of Micromax company and second Intex company.                               |

### **JUDGMENT**

**(Delivered on 13<sup>rd</sup> day of November,2025)**

The husband committed suicide and his wife as well as her parents-in-laws are booked with allegation of offence punishable under Section 306 r/w 34 of Indian Penal Code.

#### **Brief Facts:-**

2] The Police station Pimpri, District Pune filed charge-sheet No.285/2016 after investigation of FIR No.629/2015. In the charge-sheet, it is alleged that accused, in furtherance of their common intention, abetted the commission of suicide.

3] Mr. Dipak Chaudhari committed suicide on 24/11/2015 due to abetment by accused. The accused No.2 Komal is wife of deceased Dipak; whereas accused No.1 and 2 are parents of accused No.2 (Herein-after referred as 'deceased Dipak' for sake of convenience.).

4] Smt. Rajani Ashish Rao (PW1) is complainant. She is sister of deceased Dipak Chaudhari. She lodged complaint (Exh.49) with assertion that she is residing at Nashik along with her husband and family members. She is serving as a LIC agent and GIC adviser.

5] Her (PW1) paternal house is situated at Bhusawal.

Her mother viz. Smt. Sunanda Swami Chaudhari (PW2) is residing there.

6] Her brother Dipak Swami Chaudhari was serving in General Motors Private Limited, Talegaon Dabhade, Pune. He was residing on rent in Flat No. C-12 Morya Gosavi phase-II, Keshavnagar, Chinchwad, Pune.

7] His marriage was taken place on 18/11/2016 with Komal Krushna Kolhe (A2). They blessed with a daughter namely, Miss Aarohi.

8] After marriage, Sau. Komal (A2) started to harass her brother. On petty counts they were quarreling. She was quarreling with deceased Dipak asking as to why he is continuously talking with others, why is going to house of relative. She (A2) was using swear words toward his sister and mother.

9] Sau. Komal (A2) was having habit to live luxurious life. She in habite to purchase cosmetics, new clothes, she was interested in hoteling and wandering. If deceased refused to complete her demand, she was quarreling with her. She was keeping him on starvation. She was not cooking and preparing food in the house. She was ordering food from hotels.

10] As and when, his mother came late to the house, she was questioning her, quarreling with her and asked him to bow her feet often. She was asked him i.e. deceased to do house work, she was regularly harassing her brother physically and mentally and treated him with cruelty.



11] The deceased was telling his plight to her (PW1) and from mother (PW2) on phone. They and other relatives were pursuing to Komal (A2) but she was not listening. She did not pay any heed. She drove away relatives of deceased from the house as and when they were coaxing, after using filthy vile language towards them.

12] They complained about arrogant behaviour and persecution of accused No.2 to accused No.1 and 3. They did not pay heed, towards their persuasion, complaints. They never persuaded and prevented Komal (A2) and they were also abusing them. The relatives never dared to act as a mediator in their relationship.

13] They (PW1 and 2) persuaded Komal (A2) but the accused leveled allegations against them and objected to their suggestions.

14] She (PW1) used to persuade her brother i.e. deceased and reposed confidence that there is a hope of change in future. The deceased was also persuading Komal (A2).

15] The accused No.2 Komal (A2) had beaten Dipak (deceased) and their mother. Their mother (PW2) lodged complaint (Exh.59) on 22/05/2015. Police persuaded Komal (A2).

16] On 20/11/2015, deceased Dipak had come to house at late in the night from company. In the hall of the house, he did his work on laptop. He kept laptop on the cot and slept.

On 20/11/2014, the accused No.2 Komal used swear words by taking the name of his mother (PW2) and abused him in filthy language and continued to quarrel with him. Since, 21/11/2015 she did not give food to him (deceased).

17] On 22/11/2015 deceased phoned her (PW1). He was crying very much on the phone and he was telling to her (PW1), “ताई मला वाचवा. मला कोमल खूप त्रास देते. कोमल मला घरातून कोठेही बाहेर जाऊ देत नाही. काही महिन्यांपूर्वी मी कोमलच्या म्हणण्यानुसार एक फ्लॅट बुक केला, तो दोघांच्या नावावर केला व माझी इच्छा नसताना तिच्या आग्रहानुसार तिचे वडीलां कडून तिने पैसे घ्यायला लावले. त्याची परतफेड मी माझ्या सेव्हिंग अकाउंटमधून करत आहे. माझ्या वडीलांचे पैसे आत्ताच्या आत्ता परत कर, तु तिकडे काही कर.” she was quarreling with him on above count. He was not having funds. He also told to her (PW1), “आता माझ्याकडे पैसे नाहीत, मी तिच्या वडीलांचे सर्व पैसे तिच्या अकाउंटवर टान्स्फर करून देतो असे सांगितले तरी सुध्दा ती ऐकून घेत नव्हती. तरी कृपया मी तिच्याकडे भीक मागतो, मी तुझ्या पाया पडतो, मला पैशांची अडजस्टमेंट करून दे जेणे करून या पैशातून मी मुक्त होईन. नाही तर या त्रासाला कंटाळून मी जीव देईन.” He was continuously crying on phone.

18] She immediately called close friend of deceased namely Ravi Lakabshetty (PW3), and sent him to the house of deceased. He (PW3) took him (deceased) out of house. He (PW3) provided food to him (deceased). Deceased lodged complaint with Chinchwad police station. It was registered as NC (Exh.59).

19] On 24/11/2015, Dipak's friend Mr. Ravi Shetty

(PW3) phoned her (PW1) and informed that “रवीच्या मोबाईलवर कोमलच्या आईचा फोन आला होता व कोमलच्या आईने सांगितले की, दुपारी ते घरी नसताना दिपक स्टूल व दोरी घेउन घरी आला होता व तो आत्महत्या करण्याचा प्रयत्न करीत होता. तेव्हा शेजारच्या लोकांना बोलविले असता तो तेथून कुठेतरी निघून गेला. तेव्हापासून त्याचा शोध घेत आहेत.”

20] On 24/11/2015 in the evening Mr.Ravi Shetty (PW3) phoned her (PW1) and informed that her brother Dipak has hanged himself in a flat No.602, Swapnagari Housing Society, Udayanagar, Pimpri, Pune a vacant flat of Mr. Vaibhav Murlidhar Rao. He committed suicide by hanging in that flat. She (PW1) rushed to Pune. They went to YCM Hospital, she identified dead body of her brother. There was ligature mark on the neck.

21] She (PW1) saw suicide note (Exh.51) wherein it was written as, “ मी माझ्या बायकोच्या मानसिक त्रासामुळे आत्महत्या करतो आहे. याला जबाबदार माझी बायको व माझे सासू-सासरे आहेत. माझी बायको कोमल हिला योग्य ती कारवाई व्हावी अशी मी विनंती करते. ती माझ्या आईला खूप त्रास देते. मी मेल्यानंतर माझ्या insurance चे पैसे माझ्या आईला देणे.” She lodged complaint (Exh.49) wherein she stated above fact. There is a printed FIR(Exh.50).

22] My Ld. Predecessor framed charge at Exh.34. Accused denied it and claimed to face the trial.

23] The prosecution has examined 14 witnesses to bring home the guilt of accused beyond reasonable doubt. Beside the oral evidence, the prosecution has also relied upon documents to substantiate the charge framed against the

accused. Prosecution has also relied upon certain Articles--A to M.

24] The defence of the accused is reflected in the cross-examination and the statement recorded u/sec. 313 of Criminal Procedure Code (Exh.166 to 168). Their defence is that false case is filed to grab amount of insurance and property of the deceased with the help of his friends. In vernacular, she states that, “खोटी केस आहे. मयताच्या बहिणीने व आईने इन्शुरन्सच्या पैश्यासाठी खोटी तक्रार दाखल केली. तसेच मयताच्या मित्रांचा व नातेवाईकांचा वापर केला.”

25] Heard the Ld. Advocate Shri. Tayade for the accused and Ld. APP Shri. Gahlot for prosecution. Accused have also filed written argument at Exh. 81.

26] Upon hearing following points arise for my determination and I record my findings with reasons to follow :-

| Sr No. | Points  | Findings                                       |
|--------|---|--|
| 1      | Does prosecution prove that Dipak Swami Chaudhari committed suicide ?                             | Yes.   |
| 2.     | Does prosecution further prove that accused abets the commission of suicide and they are abettor? | In affirmative in respect of accused No.1 & 2. |
| 3.     | What order ?  | As per final order                             |

**REASONS****As to Point No. 1:-**

27] The accused admitted the memorandum of postmortem examination (Exh.98), in which name of deceased person is mentioned 'Dipak Swami Chaudhari' and cause of death is mentioned as "Asphyxia due to hanging."

28] Accused have admitted genuineness of panchnama (Ex.99) wherein there is specific mention of a fact that the dead body of deceased was hanging to the iron hook along with nylon rope.

29] The Advance Death Certificate (Exh.100) mentioned that the fact mentioned in Exh.98 which shows that Dipak Swami Chaudhari committed suicide by hanging himself. I answer this point accordingly.

**As to point No.2:-**

30] I have to deal with pivotal point i.e. abetment and whether accused are abettor of commission of such suicide?

31] I would like to deal the oral evidence in four compartment. In first compartment, I would like to include evidence of Rajani Rao (PW1)--sister of deceased/complainant, Sunanda Swami Chaudhari (PW2)--mother of the deceased, eye-witnesses Ravi Ganpati Lakabshetty (PW3)--friend of the deceased, eye-witnesses Yashwant Ramji Kadam(PW5), Nikhil Bhure (PW6) - friend and neighbour of deceased i.e. Rupali Kulkarni (PW7), Mangesh Tivade (PW8) -- first husband of Komal (A2) and Dinkar Zope (PW11) -- relative of deceased Dipak.

32] In second compartment, I would like to include

evidence of panch witness namely Parag Vartak (PW4), witness Savita Navekar (seizure panch witness).

33] In third compartment, I would like to include evidence of Expert Suryakant Bhanudas Kamble (PW9) and in last compartment, I would like to include evidence of Investigating Officer Smt. Ratnamala Trimbakrao Sawant (PW12) and Mr. Ishwar Jagdale (PW14).

**Arguments:-**

34] APP Shri. Gehlot has submitted that the marriage of deceased Dipak and Komal was their second marriage. He would submit that Komal (A2) not only harassed her husband deceased Dipak but also harassed first husband. Mangesh Tivade (PW8) who filed the complaint (Exh.92) against Komal (A2). Deceased Dipak i.e. second husband filed complaint (Exh.52).

35] He submitted that wife of deceased Dipak i.e. Komal (A2) was very short tempered. She was living hyfie life, was influenced to live lavish life and expending on food, clothes etc. The deceased was simple hearted, living in simplicity. He was simple minded.

36] He was enduring the conduct of the accused, who was quarreling with him on petty counts and compelling him to bow. He further specifically relied on the report dated 22/11/2015 (Exh.52) which was filed prior to 2 days of the suicide. He claimed that the suicide note (Exh.51) and complaint dated 22/11/2015 (Exh.52) are admissible under Section 32 of Indian Evidence Act it is applicable and he urged to read these documents as a dying declaration and asked to read jointly along with the case papers.

The deceased was trying to save marriage as there is a daughter to them namely, Arohi. He took me to the cross-examination with the help of documents. He pointed out that Komal (A2) used to quarrel with him on petty counts and also assaulted to him and harassed him. APP Shri. Gehlot has placed his reliance on Exh.92, 93, 51 and 52.

37] I heard Ld. APP. He pointed out Exh.32, 92, 93 to show the conduct of the accused with the help of eye-witness. He further stated that she was taking suspicion, she was habituated to take suspicion.

38] He would claim that Komal (A2) had taken suspicion and instigated the deceased.

39] Adv. Shri.Tayade P.N. submitted argument as per the written argument (Exh.181). I am not producing it here.

**Evidence :-**

40] I would like to deal with evidence of first husband of Komal (A2).

41] Mangesh Tivade (PW8) was the first husband of Komal(A2). He deposed that in the year 2007, his marriage with Komal (A2) was taken place at Dattwadi, Nagpur. He knows her family members. After 1 ½ month of marriage, she (A2) started quarreling with him, as his sisters were residing with him and she was having objections. She was regularly quarreling with him on that count. She was continuously quarreling with him. She was giving threat to commit suicide.

42] He (PW8) further deposed that she alleged that with his sister he was having illicit relationship. He had persuaded many

times. She did not listen. Her parents had taken her along with them. He and his family members and mediator went to the house of accused (A2) for compromise and amicable settlement. They demanded divorce.

43] He (PW8) further deposed that in the year 2009, he succeeded to persuade her and brought back her for cohabitation. She was quarreling on the same count. In November, 2009 she quarreled with him and caused abrasion injuries to him. He lodged complaint at Kothrud police station. He produced certified copy of NC (Exh.92) and certificate of Sassoon Hospital.

44] He (PW8) deposed that on 26/11/2009 he filed complaint (Exh.93) with police commissioner, Pune as she (A2) threatening to kill him. This complaint is at Exh.93.

45] He (PW8) further deposed that he obtained divorce from her. After divorce, she (A2) performed another marriage with Dipal Chaudhari (deceased). He committed suicide after marriage.

46] There is complaint - Exh.92, it is dated 26/11/2009. It was filed by Mangesh Tiwade (PW8) against Komal (A2), wherein he has mentioned as follows:-

“आरोपी मजकूर ही माझी पत्नी असून आम्ही गावावरून परत येत असताना माझी सख्खी बहीण ही माझे शेजारी बसली होती, हा राग मनात धरून तिने मला हाताने मारहाण करून वाईट वाईट शिवीगाळ केली.”

47] Alongwith it, there is a injury certificate of Sassoon General Hospital dated 07/11/2009. It is not proved. There are six abrasion injuries mentioned in it.

48] There is complaint of Mangesh Tiwade (PW8) which



was filed on 26/11/2009. It was filed with Police Commissioner, Pune city. He proved it, in it following relations are leveled in Exh.93 that,

अ. लग्न झाल्यानंतर दोन महिन्यांपासून कोमल कोणत्याही कारणाने जास्तीत जास्त काळ माहेरी राहायची,

ब. कोमल ही वारंवार भांडणे काढून बाल्कनीतून उडी मारीन अशी धमकी देत असे.

क. त्यानंतर जानेवारी २००९ मध्ये ती किरकोळ कारणावरून भांडण करून तिचे वडीलांसोबत माहेरी निघून गेली,

क. दि. १६/०२/२००९ तो इतर प्रतिष्ठीत लोकांसोबत कोमलचे माहेरी दत्तवाडी, नागपूर येथे समेट करण्यासाठी गेला, कोमल हिने मला घटस्फोट पाहिजे असे म्हणून त्यांना तेथून हाकलून दिले,

49] Thereafter, it is mentioned that in May,2009 he separated from his family and cohabited with Komal and mentions further incidents:-

ड. त्यानंतर सुध्दा किरकोळ कारणावरून ती माझ्याशी भांडण करीत होती व मला मारहाण करीत होती.

ई. सदरचे प्रकार वेगळे राहून सुध्दा चालूच राहीले,

फ. उलट दिवसेंदिवस तिचा त्रास चालूच राहिला.

Thereafter, he lodged complaint dated 07/11/2009 (Exh.92):

कोमलचे कुटुंबिय यांच्यापासून माझ्या जीवाला धोका आहे.

In his cross-examination, Exh.93 was referred. He admitted that he personally filed it. The truthfulness of neither Exh.92 nor Exh.93 is shaken in his cross-examination. In Exh.92 and 93 particulars regarding date of occurrence of incident and time are present.

50] The evidence of Mangesh Tiwade is remained unchallenged.

51] From above evidence a fact is proved that 'first marriage' of Komal was taken place with Mangesh Tiwade (PW8) in the year 2007 and he obtained divorce from her in the year 2009. He deposed against Komal (A2) and her family members.

52] Smt. Rajani Rao (PW1) is real sister of deceased. She deposed that on 18/11/2010 marriage of deceased with Komal(A2) was taken place. After marriage, she was taking suspicion. On petty counts, quarrels were taken place between them. She was abusing him by uttering filthy-wise words in the name of father and mother. She was abusing her mother (PW2) also. She used to keep aloof herself from other, lived luxurious life in hyfie manner.

53] She (PW1) further deposed that she was interested to order food from outside. She used to purchase beauty parlor articles for beautification.

54] She (PW1) deposed that she (A2) was quarreling with deceased on trifle issues and used to compel him to say sorry to her. She was compelling the deceased to do house work, as and when he came late from his office.

55] She (PW1) further deposed that she was assaulting him by throwing articles towards him. She was not talking and suddenly get disappointed from him, she forced to borrow money from her father to purchase beautification articles for her. As and he refused, she was used to give threat to initiate criminal proceeding u/sec. 498-A of IPC and teach lesson to him.

56] She (PW1) further deposed that she, her brother and mother had persuaded to her family members i.e. accused No.1 and 3. They, instead of persuading their daughter (A2), abused them by making allegations against them. She had persuaded her brother but he was frustrated.

57] She (PW1) further deposed that on 22/03/2014 her mother lodged complaint against accused No.1 on account of assault/ beating.

58] She (PW1) deposed that Komal(A2) forced her mother to say sorry to her father and mother for the same. She had broken TV out of anger and assaulted by throwing utensils towards them.

59] She (PW1) further deposed that on 20/11/2015 her brother had come to house in late in night. He was doing his work on the laptop. She did not provide food on that day to him and she quarreled with him.

60] She (PW1) deposed that on 22/11/2015 her brother phoned her and told that his wife(A2) and mother-in-law(A1) are assaulting him and asked her advise what he can do. When he was narrating his plight he was crying.

61] She (PW1) further deposed that she told to her that he had taken amount from accused No.1 and 3. He also sold gold ornaments of Komal (A2) to purchase the flat in his name and in the name of his wife. She further deposed that she also told to her that at the instance of his wife , he has taken amount from other accused.

62] She(PW1) further deposed that he also told that accused No.1 and 3 are demanding amount at once, immediately

and they wrongly confined him in privy. They did not allow him to go out of house for two days. They kept him on starvation for two days.

63] She (PW1) had called his friend Ravi (PW3) and asked to go to the house of her brother and help him. Mr.Ravi had been to the house of her brother and removed him from the house. He provided food to him.

64] She(PW1) further deposed that after it her brother went to police station and lodged complaint (Article-A) i.e. (Exh.52).

65] She (PW1) further deposed that on 24/11/2015, she received phone call from Dipak's mother-in-law. She inquired about whereabouts of her brother. She received phone call from police station and his phone was out of range. She further deposed that Ravi (PW3) informed to her that her brother committed suicide in the flat of Mr. Vibhav Rao. She had seen suicide note Exh.51. She proved contents of the complaint dated 24/11/2025. She also identified the suicide note (Exh.51) and complaint application dated 22/11/2025 (Exh.52). She identified her brother's handwriting in Exh.51 and 52.

66] She (PW1) failed to prove the contents of notice which was given to accused No.2 through Adv. Priya Gurav.

67] Smt. Sunanda Swami Chaudhari (PW2) is the mother of deceased Dipak. She (PW2) deposed that after marriage, on petty counts Komal (A2) was harassing her son. She was not cooking food. As and when nothing happened as per her wish, she was quarreling with him, she was beating him and she was keeping him on starvation. Her parents were pressurizing to purchase a new

house. The deceased Dipak had taken amount from his younger brother, other sister and her husband.

68] She (PW2) deposed that she was interesting to live luxurious life, she was interested, in habit to use costly cosmetics, to wander outside.

69] She (PW2) deposed that as and when she came late from the company, she was quarreling with him, she was toring his clothes, she was asking him to do house work, she was asked him to bow and touch her feet and after touching her feet, she became happy. They persuaded her but she was not in position to listen. She was droving away other relatives from the house. Her parents also did not listen about Komal (A2). Relatives did not interven in their dispute.

70] She (PW2) deposed that on 21/05/2014 she came to Pune to meet her son on 22/05/2014. Komal(A2) came from Nagpur and picked quarrel. She(A2) was throwing articles which were available there and caused hurt, she(A2) beat her, she(A2) snatched her mobile, she(A2) drove her away from the house. She (PW2) went to police station and lodged the complaint (Exh.59).

71] On 21/11/2015, Dipak phoned his sister (PW1) and told to her (PW1) that, “ती माझ्याशी खूप भांडत आहे. तो कंपनीतून उशिरा परत आला. नंतर लॅपटॉपवर काम केले व तेथेच झोपी गेला व लॅपटॉप पलंगावरच ठेवला. तिने भांडण काढले की लॅपटॉप पलंगावर का ठेवला लॅपटॉप ठेवण्याची ही जागा आहे का व तिने लॅपटॉप बाथरूम मध्ये नेला व ठेवला.”

72] She (PW2) deposed that on 22/11/2025 Dipak phoned her and informed that Komal (A2) is quarreling with him and not allowing him to go out. Due to her stubbornness, both of them purchased a new flat, she was demanding cash amount which was taken from her father, she forced her husband to accept the

amount from her father and insisting to return the amount immediately. She was quarreling with him. On that count, she was not in position to listen.

73] She (PW2) deposed that Dipak phoned his sister (PW1) and requested her to save him and make arrangement for repayment.

74] She (PW2) deposed that on 22/11/2015 his friend Ravi Lakabshetty (PW3) went to the house of deceased and removed him from the house. He was kept on starvation from three days. Ravi provided him good, thereafter, he (deceased Dipak) filed complaint (Exh.52).

75] She (PW2) deposed that on 24/11/2025, Dipak committed suicide. She identified the suicide note of Dipak (Exh.51).

76] There is NC (Exh.59) which was filed by Smt. Sunanda Chaudhari against Komal (A2) wherein she mentions that, “यातील आरोपी ही माझी सून असून माझ्या मुलाशी तिचे हे दुसरे लग्न आहे. ते दोघे वरील पत्त्यावर राहतात व मी एकटीच भुसावळ येथे राहते. मी काल रोजी गावावरून चिंचवड येथे मुलाला भेटण्यास आले व सून ही माहेराहून नागपूरवरून घरी आली. ती माझ्या मुलाला म्हणाली की, मला बसने नागपूरहून यावे लागले. तुम्हाला ट्रेनचे टिकट/ रीझर्व्हेशन मिळाले नाही का. असे म्हणून मला व मुलाला वाईट वाईट शिवीगाळ करून मला हाताने झटापटी धक्काबुक्की केली आहे.”

77] Mr. Ravi Lakabshetty (PW.3) is friend of Dipak Chaudhari. He deposed that in the year 2014, he was residing at Ravet, Pune along with his family members. Deceased Dipak was his friend. He was present in his marriage at Nagpur. He

was residing along with his family at Morya Gosavi Society, Pune.

78] He further deposed that on 22/05/2014 PW1-- Rajani called him and told that Dipak's wife assaulted and abused Dipak's mother and Dipak and drove out of the house, they were in the house of one of their relative Parag. They went there and meet them.

79] He deposed that Dipak's mother (PW.2) narrated incident to him and she filed complaint (Exh.59). Whenever he used to meet Dipak, he used to tell about harassment to him and bickering is continued by Komal(A2). He (PW3) deposed that he was continuously harassing him. He (PW3) deposed that on 22/11/2015 at about 11.00 a.m., he received phone call of Rajani (PW1) that mother-in-law (A1) and wife of Deepak (A2) locked Dipak in one room and confined him and they are not providing food from last two to three days, they are demanding amount from him. She asked him to go and remove Dipak from the house and provide food him immediately.

80] He (PW3) deposed that accordingly, he went there and Dipak told that she quarreled with him on petty reason as to why laptop kept on bed, he was not interesting to purchase house, she was demanding amount which was taken from her father, she was abusing him in filthy language. He further deposed that she used to abuse Dipak's mother as 'रंडी'.

81] He (PW3) deposed that he advised Dipak to make arrangements for funds and thereafter, left house. He took

him outside of the house.

82] He (PW.3) deposed that he (deceased) went to police station and lodged complaint (Exh.52). He was present along with him. He read the complaint and he put his signature and gave complaint to concerned police station.

83] He (PW3) deposed that in the evening he went to the house of Dipak and informed to Komal and her mother that they are making arrangement of the funds. He took Dipak alongwith him to the house. On that day, Komal's father had also called on phone and they told that they are making arrangements for funds.

84] He (PW3) deposed that on 23/11/2015 in the morning, he went in the house of Dipak and told to Komal (A2) that Dipak is along with him and they are selling house and making arrangements for funds. On 23/11/2015 Swapnil – the nephew of Dipak, took Dipak to his house.

85] He (PW3) deposed that on 24/11/2015 at about 5.45 p.m., he received phone call of mother of Komal (A1) that when she and Komal went out of house, Dipak came at house and was trying to commit suicide with the help of stool and tether. She called watchman and neighbour and removed Dipak from the house.

86] He (PW3) deposed that he called Swapnil and asked to search where is Dipak. Swapnil informed that the vehicle of Dipak is in Swapna Nagari, Pimpri. There is flat of relative of Dipak. They broke up the door of house of flat No.602 and saw that Dipak has hanged himself. He informed this fact to



his sister. He identified handwriting in suicide note (Ex.51) is of Dipak and signature, he identified it as being studied together in college. He identified the complaint (Exh.52) and it was written and signed by Dipak in his presence. He also identified handwriting in diary Article-C.

87] The complaint (Exh.52) is dated 22/10/2015. There is endorsement dated 23/11/20215 bearing No.7565/2015. In it Dipak mentions subject as -- “पत्नीपासून होत असलेल्या त्रासाबाबत.” He also written following facts in Exh.52 -- “ कारणे विनंती पूर्वक अर्ज सादर करतो की मी दिपक चौधरी, "C-12, Morya, Gusovi Raj Park Ph.-3. Keshav Negar Pimpri-Chinchwad " येथे सुमारे 3 वर्षे पासून माझी पत्नी व माझी मुलगी यांचे सोबत राहावयास आहे.माझी पत्नी कोमल दिपक चौधरी ही नेहमीच माझी विधवा आई नामे सुनंदा चौधरी हीला व मला नेहमीच घालून पाडून घाण घाण बोलते व घरातील कीरकोळ कारणांवरून माझ्याशी नेहमी हुज्रत घालते व मला मानसीक त्रास देते.

88] काल रोजी घरामधील ठेवलेले लेपटॉप वरून ती विनाकारण चिडून जाऊन मला वाईट वाईट बोलु लागली. तेव्हा मी तिला म्हणालो की वस्तू उचलून ठेवता येईल रागावू नकोस. असे म्हणालो असता ती मोठमोठयाने आरडा ओरड करून माझ्या अंगावर येवून झोंबाझोंबी करून भांडू लागली व आईला रंडी बोलली. जोरजोराने बोलली व दागिन्यांचे पैसे आत्ताच्या आता पाहीजे असे म्हणुन मला घरात कोडून ठेवले. याबाबत माझी सासु सोडवा सोडवी न करता मला शिव्या दिल्या असे आरोप करू लागली. तेव्हा मी कसा बसा घराचे बाहेर आलो नि मला माझे दागिन्याचे पैसे आत्ताच्या आता दे असे म्हणू लागली आहे. मी सहा महिन्यांपूर्वी मोशी, स्पाईन रोड या ठिकाणी घरातील दागिने व बँक लोन घेउन फ्लॅट बुक केला आहे. तो फ्लॅट तिच्या नावावर आहे. आता ती थोडी फार वेडसर असल्याचे जाणवत असल्याने मला

माझ्या दागिन्यांचे पैसे पाहिजे असे बडबड करीत आहे. दोघांचे नावे फ्लॅट असल्याने तो विकण्याकरीता दोघांची ही संमती लागेल याकरीता तिच्या सहीची आवश्यकता आहे. तिला पैसे पाहीजेत असा हट्ट धरला असून ती नेहमीच मला मानसिक त्रास देते याबाबत आपणास अर्जाद्वारे सादर करीत आहे.”

89] In the evidence of Ravi Lakabshetty (PW3), the complaint dated 22/11/2015 by deceased Dipak (Exh.52) is proved. In his evidence, deceased Dipak had filed complaint and put his signature in his presence.

90] On this complaint, there is rubber stamp of Chinchwad police station along with Inward No. 7565/2015 and date mentioned as 23/11/2015. Herein deceased mentions as, “दागिन्यांचे पैसे आत्ताच्या आता पाहीजे असे म्हणुन मला घरात कोंडून ठेवले”. The fact of confinement is mentioned in Exh.52.

91] Adv. Shri. Tayade pointed out that on Exh.52 the date is mentioned as 22/10/2015 and it is doubtful. Considering the endorsement of police station, his submission does not hold any water.

92] Hereinafter, I referred the evidence of another friend of deceased Dipak, namely Nikhil Bhure (PW6). He deposed that he worked with deceased Dipak from 2009 to 2011 and both were good friends, having family relationship and they were visiting each other house and they were sharing problems with each other. He (PW4) further deposed that Dipak was telling him, “ती त्याला त्रास देते, त्याला मारहाण करते, ओरडते, छोट्या छोट्या गोष्टी वरून भांडण करते व त्याच्या आईला व बहिणीला खुप शिवीगाळ करत होती. he told to him that, "मी नवरा असूनसुद्धा ती मला मारते हे

लोकांना सांगुन सुध्दा विश्वास बसणार नाही. ती घरात भांड्यांची आदळआपट करत होती". " मी घरी आल्यावर स्वतः जेवण वाढुन घेत होतो, त्यावेळी सुध्दा ती भांडी आदळआपट करत होती, वाद घालायची. भांडण करायची, संशय घ्यायची. ती त्याच्या आईला व बहिणीला खुप शिव्या द्यायची, ती त्याच्या आईला रंडी म्हणायची व सांगायची की तु व तुझी आई बेडवर झोपतात. तो खुप कंटाळला होता. तो सांगायचा मला जगायचे नाही."

93] He (PW6) further deposed that Dipak told him that on 23/11/2015 he called him but he could pick the phone call.

94] He (PW6) further deposed that on 24/11/2015 he again called him and forwarded message "आता मला सहन होत नाही, आता मी आयुष्याला कंटाळलो आहे. मी परिस्थिती सांभाळू शकत नाही."

95] He (PW6) deposed that on 25/11/2015 he received phone call of his friend and was informed that Dipak committed suicide. He further deposed that he gave copies of messages dated 22/11/2015 and 23/11/2015 and admitted in evidence and marked as Exh.79.

96] Adv. Shri. Tayade argued that there is no certificate as required and it is not admissible. The witness had given copy of messages.

The messages reads as :-

*" [1:50pm, 22/11/2015] Deepak Chaudhari: Nikhil komal has left*

*[1:50pm, 22/11/2015) Deepak Chaudhari. Let it be*

*[1:50pm, 22/11/2015] Deepak Chaudhari. She is not good at all*

*[1:52pm, 22/11/2015] Nikhil: Any issue*

*[1:53pm, 22/11/2015] Nikhil: Kai zala*

*[1:54pm, 22/11/2015) Deepak Chaudhari: Will tell u*

*tomorrow*

*[1:54pm, 22/11/2015] Deepak Chaudhari: She is not good dear*

*[1:54pm, 22/11/2015] Deepak Chaudhari. Really*

*[1:54pm, 22/11/2015] Deepak Chaudhari: Giving trouble to me*

*[4:56pm, 22/11/2015] Nikhil: Ashes ka*

*[4:56pm, 22/11/2015] Nikhil: Is it ok now?*

*[4:56pm, 22/11/2015] Nikhil: Normal zala ka?*

*[4:56pm, 22/11/2015] Nikhil: How's komal?*

*[4:56pm, 22/11/2015] Nikhil: Wht she says?*

*[4:57pm, 22/11/2015] Nikhil: Whts the reason behind fight???*

*[11:53pm, 22/11/2015] Deepak Chaudhari: Tine aai LA Randi shivi dili*

*[4:59pm, 23/11/2015] Nikhil: Ohhh my god*

*[4:59pm, 23/11/2015] Nikhil: What going on*

97] Mr. Yashwant Kadam (PW5) deposed that in June-2015 he was serving as security guard in Morya Gosavi Society, Phast-III, Pimpri- Chinchwad, Pune.

98] He (PW5) deposed that Dipak Chaudhari (deceased) was residing in the same building.

99] He (PW5) deposed that on 24/11/2015, he was present on his duty in between 7-00 to 7-00 p.m. and in the afternoon, he received phone call of Kulkarni madam (PW7). He asked him to come at flat of Chaudhari as the quarrel was going on, accordingly he went there.

100] He (PW5) further deposed that in the said flat Dipak

Chaudhari's wife and another lady were present, he asked them not to quarrel, that time Dipak Chaudhari told him that, "रोजच आमच्या घरी भांडणे असतात." He (PW5) returned back thereafter.

101] He (PW5) deposed that police made inquiry with him and recorded his statement.

102] Smt. Rupali Kulkarni (PW7) deposed at Exh.86. Her reference has come in the evidence of Kadam (PW5). She (PW7) deposed that she knows deceased Dipak Chaudhari who was residing in her neighbourhood., in the adjacent flat.

103] She (PW7) further deposed that she knows Komal Chaudhari (A2) and her mother (A1).

104] She (PW7) further deposed that they were not visiting each others' house. It was difficult to hear the quarrel which was going inside. But some time, quarrel was started in late night at 11.00 p.m. to 11.30 p.m. in loud voice and they were able to listen the same.

105] She(PW7) further deposed that in 21/11/2015 to 23/11/2015 quarrel was in loud voice, was taken place in whole days, they were listening noise of smash of doors, utensils.

106] She (PW7) deposed that she saw Dipak was going.

107] She (PW7) deposed that on 24/11/2015 her flat door was open, Komal (A2) and her mother (A1) came there, their flat door was locked. They were having keys, they opened the door, after opening the door, they shouted loudly, "तू असे का करतोस." She went inside and saw that Dipak was hanging

himself to a fan, he had taken bed at center of the room.

108] She (PW7) deposed that she called watchman and other members of their building, none has come. Watchman Kadam (PW5) came immediately. He brought Dipak outside. She (PW7) further deposed that Dipak Chaudhari showed his hand and told him that both of them caused injury, abrasion to him, his wife and his mother-in-law were continuously demanding amount from him, both of them were uttering, “आत्ताच्या आत्ता आमचे पैसे टाक, आम्ही निघून जातो.”

109] She (PW7) further deposed that watchman and Dipak went on the ground floor. He went on his bike.

110] Mr. Dinkar Zope (PW11) deposed that deceased Dipak Chaudhari was son of his sister. He deposed about the marriage of deceased with Komal(A2). He deposed that his relations with Dipak were good. They were talking on phone. He was telling that there were domestic difficulties. He was complaining about the behaviour of Komal (A2), “ ती आरडा ओरडा करीत होती, शिवीगाळ करीत होती.” He (PW11) further deposed that she was demanding him money for house. She demanded amount from her father for house. He asked not to demand amount from her father. They will adjust. But she did not listen and demanded and accepted amount from her father.

111] He (PW11) further deposed that she had asked him to return the amount which was taken from her father by taking the amount from his maternal uncle and aunt, he promised to pay amount and accordingly, in July 2015 he

transferred amount of Rs.50,000/- in the account of Komal(A2).

112] He (PW11) deposed that even after receipt of said amount there was no change in behaviour.

113] He (PW11) deposed that in his pass-book there is entry of Rs.50,000/- by RTGS transfer (Exh.133).

114] In his cross-examination in Exh.133, it is suggested that there is no mention of name upon which the amount was credited. But, it was suggested to him (PW11) that Dipak with ATM card of Komal took that amount.

### II<sup>nd</sup> Compartment :-

115] I would like to deal with the evidence of second compartment Mr. Parag Vartak (PW4) the panch witness. He (PW4) deposed that on 24/11/2015 police called him on the spot of occurrence i.e. flat No.602, B/1, Swapnanagari Society, Pimpri, Pune. He went there, door was opened, he went inside, he saw body was hanging, it was goose, it was nylon rope, his tongue came outside, his legs were in folding condition, one stool was there, one chit was there, he saw that chit, on it he read as, “माइया पत्नीचे व तिच्या आईवडीलांच्या मानसिक जाचाला कंटाळून मी आत्महत्या करीत आहे. माइया मृत्युला हे तिघे कारणीभूत आहेत. ते माइया आईला सुध्दा त्रास देतात. माइया इन्शुरन्सचे पैसे तिला मिळावेत.” Police prepared panchnama after taking measurement in his presence and thereafter dead body was sent to YCM Hospital, Pune. He proved panchnama (Exh.68). He identified suicide note (Exh.51), nylon rope -- Article-A, he identified photographs (Exh.59).

116] There is spot panchnama dated 24/11/2015 (Exh.68). It was prepared on 24/11/2015 in between 22.10 to 23.10. There are six photographs collectively marked as Exh.69. Accused admitted it.

117] Smt. Savita Nanekar (PW10) is a panch witness. In her presence, house search panchnama (Exh.14) was prepared. She deposed that on 12/12/2015 police called him with request to act as a panch witness along with her, Mr. Shelar was present.

118] She (PW10) deposed that they went into flat of Dipak Chaudhari in Morya Society, watchman had come there and opened the door, it was 2 BHK flat. From the house search they seized nylon rope, two books. Police sealed it after rapping it and she proved panchnama (Exh.114).

119] In the open court, two sealed packets were opened. In one packet two books i.e. 'कौटुंबिक चातुर्य व दुसरे पत्नीकडून होणारा पतीचा छळ ' were present and in second sealed packet yellow coloured nylon rope was present.

120] She (PW10) on 12/01/2016 police again called her, she went to police station along with Shelar where deceased's sister was present in police along with one diary, police seized it and sealed that 'diary' and prepared panchnama. She proved it, it is at (Exh.114). She identified that 'diary' Article-C.

121] I would like to refer here evidence of Siddharth Kisan Mhaske (PW13). He deposed that on 25/11/2015, police called him at Sant Tukaram police chowky. He went there along with other panch witness Balu Humbare. He informed



that Investigation Officer Mr. Jagdale (PW14) was present. Police informed that they want to seize the rope and one handkerchief and want to prepare panchnama of it;. Police seized it, sealed it and prepared panchnama. He proved panchnama (Exh.150). He identified rope - Article-F and handkerchief Article-L.

122] There is panchnama(Exh.150), which consists the same fact which Siddharth Kisan Mhaske deposed along with the description of articles.

**III<sup>rd</sup> Compartment:-**

123] I would like to deal with evidence which I would like to refer in third compartment, it is of Suryakant Bhanudas Kamble (PW9). He (PW9) deposed that he is serving as a handwriting Assistant State Examiner of Document and attached to C.I.D. Pune. He is educated upto B.SC.Chemistry. He has given 300 reports. He has also completed training of one year in handwriting science and allied subject.

124] He (PW9) deposed that his office received whole proceeding of C.R. No.629/2015 on 22/01/2016 of Pimpri police station. It was registered as HW-86/2016

125] He (PW9) deposed that on 01/06/2020 it was given to him, there written statement one question document, one natural lose document and one natural diary of 2002.

126] He (PW9) deposed that on question document to the handwriting he marked as Q-1 & Q-2 and to the signature marked as Q-3.

127] He (PW9) deposed that to the natural handwriting

he marked as N-1 to N6 and to the natural signature marked N-7.

128] He (PW9) deposed that he adopted/ followed side by side process and examined handwriting in different settings with the help of scientific instruments and formed the opinion.

129] He (PW9) deposed that his opinion is that questioned handwriting 'Q1' & 'Q2' show 'similarities' in writing habits indicating their common authorship 'N-1' to 'N-6'.

130] He (PW9) deposed that in absence of sufficient identifying characteristics, he could not express definite opinion regarding authorship of enclosed signature Exh. Q-3 after comparing to natural signature Exh.N-7.

131] He (PW9) deposed that he had prepared opinion, he proved it. It is at Exh.110.

132] He (PW9) identified suicide note (Exh.51) and complaint (Exh.52).

133] He (PW9) deposed that depending on mental condition of the deceased there are chances of variations in the signature.

**IV<sup>th</sup> Compartment :-**

134] In the last compartment, I would like to deal with evidence of Investigating Officers namely, Ratnamala Sawant (PW12) and Ishwar Jagdale (PW14). I shall start with evidence of Ratnamala Sawant. She deposed that she was attached to Pimpri police station from 2015 to 2018 as a PSI. On 12/12/2015 she received charge of Crime No. 629/2014.

135] She (PW12) deposed that she had been to the house

of deceased on 12/12/2015, carried out search and prepared panchnama (Exh.114) and during that search she seized one nylon rope, one book of Robin Sharma and one book in respect of harassment of wife to husband.

136] She (PW12) further deposed that deceased had filed one application with Chinchwad police station. She wrote letter (Exh.135) to the Pimpri Chinchwad police station and collected that application.

137] She (PW12) deposed that the police constable -Mr. Lohar of Pimpri Chinchwad Police station produced certified copy of that NC along with covering letter (Exh.136).

138] She (PW12) further deposed that she seized mobile which was produced by accused Komal (A2) and prepared panchnama (Exh.137) in presence of panch witnesses.

139] She (PW12) further deposed that she seized text message and What'sapp message of deceased and his wife Komal (A2) after taking prints out.

140] On 14/12/2015, Komal (A2) produced mobile phone of deceased Dipak, she had seized those mobiles in presence of panchas and prepared seizure panchnama. She proved panchanma (Exh.137) and seizure of mobile.

141] During investigation, she gave a letter on 16/12/2015 to CDR (Exh.138). On 22/11/2012 she gave a letter to Cadestal Surveyor for preparation of map of spot of occurrence (Exh.139). On 11/01/2016 she gave letter and demanded postmortem notes of the deceased (Exh.140). On 17/01/2016 and 18/01/2016, she recorded statements of

witnesses. On 19/01/2016, she wrote letter (Exh.141) and forwarded seized articles to hand-writing expert. She gave letter (Exh.142) and collected NC from Kothrud police station which was filed by first husband of Komal(A2). On 23/03/2016 she gave letter to the banks to collect the statements (Exh.143 to 145). On 24/03/2016 she recorded statements of two witnesses. On 10/06/2016 she wrote letter to Mangesh Tiwade, the first husband of Komal(A2) and recorded his statement. She identified Articles J, K, L D & M.

142] Mr. Ishwar Dhuraji Jagdale (PW14), Investigating Officer, deposed that Rajani Ashish Rao (PW1) has filed complaint on 25/11/2015. Crime came to be registered and it was handed over to him for investigation. He seized suicide note, he prepared the spot panchanama. He (PW14) deposed that he along with photographer visited the spot and took photos of the spot and seized suicide note (Exh.51). He registered crime. He further deposed that he received receipt of handing over dead body. He identified report (Exh.157).

143] He (PW14) deposed that Mr. Khedekar had produced before him the rope, piece of rope and handkerchief and he prepared panchnama. He proved panchnama (Exh.50).

144] He (PW14) deposed that he wrote two letters to Chichwad police station to hand over copy of NC. He proved letter (Exh.160). He further deposed that on 30/12/2015 he sent letter to Police Commissioner for permission to go to Nagpur. On 06/12/2015 he made inquiry with witnesses.

**Arguments:-**

145] Before appreciating the oral evidence, I would like to refer here submission of accused which are present in the written statement. It is submitted that there is no iota of evidence to prove the charges leveled against the accused. There is no concrete evidence to establish guilt against accused. Mere instigation is not sufficient. Evidence of PW1,2 and 3 and all other witnesses has not established that in furtherance of common intention accused No.1 to 3 have committed offence punishable u/sec. 306 r/w 34 of Indian Penal Code. According to him, the quality of evidence is important not quantity. There is no single document which would show that accused have committed offence.

146] It is further submitted that there is no fair investigation. Police have chosen selective evidence which suits to their purpose.

147] None of the witnesses states about date, time about the occurrence of illtreatment and the nature of illtreatment. Essential ingredients of Section 306 of Indian Penal Code are not proved. The whole evidence is hearsay evidence. There is no direct evidence which shows that the accused No.1 to 3 in furtherance of their common intention, instigated the deceased to commit suicide.

148] It is further submitted that the deceased has taken money from father of Komal (A2) on pretext of purchase of flat, but he never purchased a flat or booked the flat. He was in huge debt and this fact is admitted in Exh.52. He had taken

loan from market. He failed to repay the huge loan amount hence committed the suicide.

149] It is further submitted that in the suicide note there is no reference of any act of accused or incidents or willful act or willful omission or instigation towards the deceased. There is no mention of harm, threats to the deceased in the suicide note from the accused.

150] It is further submitted that there was no act of instigation on the part of the accused which was proximate to the date on which deceased committed suicide. No act is attributed proximate to the time of suicide, which was of such nature that deceased was left no alternative, but to take drastic step of committing suicide. He committed suicide else where, that time accused were far away from him, no nexus with the alleged incident. There is no other evidence from which it could be inferred that there would be any abatement to bring the act within the ambit of Section 306 r/w sec.34 of Indian Penal Code. The deceased is personally responsible for his death and not accused.

151] It is further submitted in the oral argument that there was no intention. It is alleged that PW1 to 3 jointly prepared a story to grab property and money of insurance of deceased. The deceased was heavily indebted so he committed suicide. All allegations are vague and ominobus. No wife would be of the interest that her husband should commit suicide. It is submitted that on the basis of appearance and living standard, inference cannot be drawn. There is no evidence against the

accused No.3. The deceased himself failed to handle the situation, stress and strain. He was having option to take divorce or return the amount but he committed suicide. For that accused are not responsible.

152] Parting herewith the oral and written argument of accused, I shall proceed to deal with the case law and appreciate the evidence.

**Case Law:-**

153] Initially, I would like to deal the question raised regarding presence of mens rea. Adv. Shri. Tayade relied upon the Judgment of Hon'ble Supreme Court of India in Criminal Appeal Nos.2177-2185 of 2024, ***Abhinav Mohan Delkar Versus The State of Maharashtra & Ors.*** wherein in para No.23 Hon'ble Supreme Court has dealt with aspect of Mens Rea. I would like to produce the relevant portion from para No.23 :-

*“The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test.*

It is further observed that :-

*“Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of*

abetment under [Section 306](#).”

154] In this Judgment, the Hon’ble Supreme Court has referred their another recent Judgment from *Prakash V/s. State of Maharashtra*. This is present in para No.29 of the Judgment. From this Judgment, I would like to refer here paragraph No.20 :-

20. Again, the ingredients under [Sections 107](#) and [306](#) of the I.P.C. was interpreted by one of us in *Prakash and Ors. v. State of Maharashtra and Anr.16* (B.R. Gavai J., as he then was) in the following manner:

“14 [Section 306](#) read with [Section 107](#) of IPC, has been interpreted, time and again, and its principles are well-established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide.

15. The law on abetment has been crystallised by a plethora of decisions of this Court. 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 cannot 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.” *2024 SCC OnLine SC 3835*

In respect of mens rea Hon’ble Supreme Court in Judgment of *Mariano Anto Bruno v. State, (2023) 15 SCC 560: 2022 SCC OnLine SC 1387*, it is held that:-

“The question of mens rea would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature which the



*accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abatement of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased."*

155] I would like to refer here recent Judgment of Hon'ble Supreme Court on point of mens rea which is relied by the Adv. Tayade in ***Naresh v. State of Haryana, 2024 SCC OnLine SC 202*** ---

*"It is now well settled that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. Mere harassment is not sufficient to hold an accused guilty of abetting the commission of suicide. It also requires an active act or direct act which led the deceased to commit suicide. The ingredient of mens rea cannot be assumed to be ostensibly present but has to be visible and conspicuous."*

156] I shall proceed to appreciate the evidence.

157] I have gone through the cross-examination of Rajani Rao (PW1). She admitted that in the year 2010-2011, 2012-2013 neither her brother (deceased) nor her mother (PW2) lodged complaint against accused. She added that in the year 2014 complaint was filed. She admitted that she did not mention in the complaint filthy words which were uttered. She admitted that his brother was going regularly to the office in the morning and returning back in the evening. Beside denial nothing has been brought on record in her cross-examination, to dis-prove a fact of complaint by her mother (PW2) i.e. Exh.59. It is not dis-proved that the incident dated

20/05/2015 and 22/05/2014, 23/05/2015. Her evidence is remained unshaken that she has called his friend Ravi Lakkab -shetty (PW3), who rescued deceased from the house. So also incident dated 24/11/2025.

158] Certain omissions are pointed out from the cross-examination of Rajani Rao (PW1) but these omission did not go to the root and dis-prove the facts which are proved.

159] In the cross-examination of Sunanda Chaudhari (PW2) nothing tangible has been brought on record beside denial. The fact that the deceased had taken loan amount from open market, is admitted by her.

160] In the cross-examination, incident dated 22/05/2014 with her (PW2) is proved. The omission which is pointed out in the cross-examination is inconsequential one. The incident dated 22/05/2024 is proved from the evidence of Sunanda (PW2) and NC (Exh.59.)

161] In the cross-examination of Ravi Lakabshetty (PW3) beside denial, nothing has brought on record. A fact is proved from his evidence that on 22/05/2014 Dipak's sister (PW1) called him and told that Dipak's wife (A2) had assaulted and abused Dipk's mother (PW2) and drove out of the house.

162] It is also proved from his evidence that on 22/11/2015 the deceased Dipak's sister called him and informed that accused No.1 and 2 Dipak confined Dipak and did not provide for last 2-3 days and they were demanding amount from him. She asked to rescue him. It is also proved that he rushed there, rescued Dipak, provided food and in his

presence deceased Dipak lodged complaint (Exh.52).

163] In this Ex.52, it is specifically mentioned that he was locked and confined in the house. The fact of confinement is proved by direct evidence of Ravi Lakabshetty (PW3), Rajani (PW1) and complaint (Exh.52). This fact is corroborated from the evidence of Yashwant Kadam (PW5) a security guard and neighbour Rupali Kulkarni (PW7). These are instances of direct witnesses. In their cross-examination their evidence is not shaken. Beside denial nothing has been brought on record which creates cloud of doubt.

164] It is proved by direct evidence of Rupali Kulkarni – immediate neighbour (PW7) that from 21.11.2025 to 23.11.2025 quarrels were continuously going on. This corroborates to the evidence of Rajani Rao and Ravi Lakkabwarshetty (PW3). The evidence of Rajani Rao is admissible u/sec. 6 of the Indian Evidence Act. A fact is also proved from her evidence (PW7) that she had been to the house of Dipak that time Dipak had shown his hand and told that they assaulted him. It is also proved that he told to her (PW7) that they continuously demanding amount from him. Thus, her evidence (PW7) if considered with the evidence of Mr. Kadam, a security guard (PW5) it is brought on record that till 23/11/2015 in the house of deceased Dipak, quarrels were continuously going on and it was continued till 23/11/2015. Certain omission are brought on record but they are not consequential, not amounts to contradiction. She (PW7) firmly denied that nothing has been happened in her presence.

165] The evidence of Rajani Rao (PW1) is admissible u/sec. 6 of the Evidence Act, it gets corroboration from direct evidence of Ravi Lakkabwarshetty (PW3) and Rupali Kulkarni (PW7). There is also a corroboration from the Dinkar Zope (PW11), maternal uncle of the deceased which remained unchallenged.

166] In the cross-examination a fact of divorce of Komal (A2) from her first husband (PW8) is proved. Evidence of divorce does not make any effect on his evidence as there is a NC (Exh.92) and complaint (Exh.93) by Mangesh Tivade (PW8) and Rajani Rao and her family. The NC (Exh.92) was filed on 07/11/2009 and complaint application (Exh.93) was filed on 26/11/2009. This shows the conduct, behavioral pattern of accused Komal and her family members.

167] During the evidence of Nikhil Bhure (PW6) i.e. friend of deceased, his examination-chief is remained unshaken. This evidence is admissible u/sec. 6 & & of the Evidence Act.

168] I would like to conclude that prosecution has proved a fact that there was harsh harassment of the deceased particularly in between 21/11/2015 to 23/11/2015. Prosecution has proved that:-

- a] The deceased was continuously harassed by his wife Komal (A2);
- b] The intensity of harassment was increased during the period of 20/11/2015 onwards 21/11/2015, 22/11/2015, 23/11/15 and 24/11/2015.

- c] It is proved that on 24/11/2015 that intensity was increased;
- d] It is proved that on 24/11/2015, the deceased Dipak locked flat and he was trying to commit suicide by hanging himself. On that day he hanged himself to the fan. That time Komal (A2) and her mother (A1), uttered words, "तू असे का करतोस".
- e] This fact is proved in the evidence of Kulkarni (PW7)
- f] It is also proved that they were continuously demanding amount from him and both of them were uttering, "आत्ताच्या आत्ता पैसे टाक आम्ही निघून जातो."
- g] It is proved that thereafter Dipak went away and in the evidence of Lakabshetty (PW3) it is proved that Komal's mother (A1) called him and informed that Dipak was trying to commit suicide when both of them were gone out of the house for work and they removed Dipak from the house and she asked to search where is Dipak.

169] From above facts, it is proved that they did not coax Dipak when he was committing suicide in his house. They were not nice with him when he was committing suicide but they uttered words, "आत्ताच्या आत्ता पैसे टाक" and allowed him to go outside of the house. It is true that they were knowing state of mind of the deceased. At that time, allows him to go outside instead of coxing him or changing his mind or shifting his mind from suicide to normal circumstances. Instead of it they aggravated it.

170] From above facts, it is proved that they knows that deceased is going on to commit suicide or what is going on in his mind. So, accused No.1 called Rajani Rao (PW1) and Ravi

Lakabshetty (PW3) on 24/11/2015. This shows the incidents of their state of mind and bodily feeling. Their intention, knowledge is of ill-will. Section 14 and 15 of Indian Evidence Act are applicable here and proved that their acts were intentional and purposeful. Their active acts were conscious acts, their words were intentional and conscious, knows in all probability (their active act, conduct, indirect and direct acts) he will going to commit suicide. Their conscious deliberate intention is proved, particularly when they allows Dipak to go outside of the house, when he was hanging for first time to kill himself by uttering above words. This constitutes mens rea. It is proved.

171] The Judgment of Hon'ble Supreme Court allows me to hold that the accused No.1 and 2 forces that it will happen if the given series of acts and omissions considers then it is proved beyond doubt the existence of mens rea.

172] It is proved from evidence of Suryakant Kamble (PW9) that deceased wrote suicide note (Exh.51) and the suicide note (Exh.51) is in handwriting of deceased Dipak. His evidence proved that the suicide note is in handwriting of deceased Dipak Chaudhari. It is proved that the deceased purchased two books namely कौटुंबिक चातुर्य आणि पत्नीकडून होणारा पतीचा छळ". In panchnama (Exh.114) fact of seizure of these books is present along with nylon rope as well as from seizure panchnama (Exh.118) it is proved that diary was seized. There is opinion (Exh.110) of Mr. Kamble (PW9), hand-writing expert that author of suicide note and author of diary is one

and the same person.

173] From the evidence of Investigation Officers, it is proved that there was a fare investigation.

174] It is not proved that for the property of the deceased and insurance amount case is filed. It is proved that in the evidence of Mr. Parag Vartak (PW4) on 24/11/2015 suicide note came to be seized which was prepared in between 22.10 to 23.10 hrs. It is proved that the complaint was filed on 25/11/2025 by Rajani Rao (PW1). It is proved that initially AD No.253/2015 was registered by Mr. N.B. Khedkar, the police constable and submitted report (Exh.157).

175] It is not proved that deceased assaults Komal (A2) and she lodged complaint. It is proved that there is proximity in between the incident of 21/11/15 to 23/11/2015 and 24/11/2015. Continuous harassment established the act of instigation. Last four days act/ conduct on the part of accused No.1 and 2 can be said to have act of direct causation and abetting to commit suicide.

176] All options were also available to accused to recover amount from the deceased or to take divorce but by their active act direct and indirect act, conduct left no option to deceased but to commit suicide. It is proved that they created such a situation that deceased failed totally frustrated and lost hope.

177] I dis-agree with Adv. Shri. Tayade that Rajani Rao (PW1) failed to establish anything against the accused in respect of mental and physical harassment or regarding abetment or

enticement by accused. On the basis of only one witness, it is not proper to jump to the conclusion that nothing has been established in the evidence of Rajani Rao (PW1). She has stated certain facts. These facts are necessarily considered alongwith other evidence. The evidence of witnesses is not separable from each other particularly evidence of Rajani Rao (PW1) (sister of deceased) and Sundada Chaudhari (PW2) (mother of deceased), Ravi Lakabshetty (PW3) (friend of deceased) and the evidence of his other friend namely Nikhil Bhure(PW6). Mr. Lakabshetty (PW3) is an eye-witness, so also Bhure (PW6). The communication in between Rajani Rao (PW1), Ravi Lakabshetty (PW3) or communication in between Ravi Lakabshetty (PW3) and deceased and overt acts on the part of Ravi Lakabshetty and deceased, communication between deceased and Nikhil Bhure (PW6) all are admissible u/sec. 6 and 7 read with Section 14 and 15 of the Indian Evidence Act.

178] There is fallacy in submission of Adv. Tayade that Rajani Rao is not a trust-worthy witness, on account that she failed to furnish particulars. No one expects to keep the record of the incidents for future.

179] The submission of Adv. Tayade that there is no evidence regarding booking of flat. In the statement u/sec. 313 of the accused that specifically mentioned about the property. They did not allege that deceased was either addicted to liquor or gambling. Rather it has brought on record that he was simple ton, regularly attending office, looking at the family. He was fond of family. This fact can be gathered from two books which were seized from the flat of deceased. He was trying to save marriage.



180] Smt. Sunanda Chaudhari's (PW2) (mother of deceased) evidence is challenged that her evidence as hearsay. Nothing happened in her presence. Her evidence is in respect of quarrel, which shows the conduct and behavioral pattern of accused (A1 and A2). Her evidence is admissible u/sec. 6 and 7 of the Indian Evidence Act. From that angle it is required to be assessed.

181] Evidence of Rajani Rao (PW1) and Sunanda (PW2) recorded and considered from the point of exploitation of the deceased. Bellicose attitude proved from the evidence of these two witnesses :-

182] The bellicosity is also proved from the evidence of Rupali Kulkarni (PW7), independent witness. Their evidence is expressing on the bellicosity of Komal (A2).

183] Adv. Tayade in his written submission submitted that Ravi Lakabshetty (PW3) does not inspire confidence in his evidence as nothing happened in his presence. This submission is fallacious submission. He (PW3) is the person who removed deceased from confinement, provided food and thereafter in his presence, deceased filed complaint application (Exh.52). He is trust-worthy witness. His evidence is reliable. Nothing has been brought on record to discard his evidence. His evidence is recorded for assessing the state of mind of deceased and feelings, acts on the part of accused No.1 and 2. It is proper to draw inference from these facts.

184] The security guard Mr. Kadam (PW5) is independent and trust-worthy witness. Before me, deceased uttered words, "रोजच आमच्या घरी भांडणे असतात." and he had been there on call of Kulkarni Madam (PW7), who had asked him to come to flat of

Chaudhari as quarrel is going on. His evidence is having credence would has nothing to do with accused or deceased, he went there on call of Kulkani (PW7).

185] It is submitted that Kulkarni (PW7) is untrustworthy and unreliable witness. There is no material to support her evidence. His submission is a fallacy, Kadam (PW5) corroborates her.

186] In respect of Nikhil Bhure (PW6) it is submitted that he is not useful witness and nothing happened in his presence. He is friend of deceased with whom messages were exchanged. He had given print out. His evidence inspired confidence. I dis-agree with Adv. Tayade.

187] In respect of Mr. Zope (PW11), who transferred Rs. 50,000/-in the account of Komal (A2), this fact is strengthened in the cross-examination by accused themselves. His submission that is not reliable, does not hold any ground.

188] In respect of Mangesh Tivade (PW8) i.e. the first husband of accused No.2, Adv. Tayade would submit that he did not know what happened in the house of Komal(A2) after their marriage. It cannot be ignored that Mangesh Tivade has been examined to prove scrappy attitude of accused No.2 Komal during cohabitation with him, her behavioral pattern.

189] In respect of handwriting expert, evidence of Mr. Kadam (PW9) it is submitted that this witness has stated nothing against accused Nos.1 to 3. It is necessary to state that he is expert witness. He has given the opinion about the hand-writing present in the suicide note. Though, he could not given opinion in respect

of signature, but there is concrete opinion about the hand-writing. It is not proper to look his evidence from glass of suspicion.

190] In respect of Nanekar (PW10) it is submitted that she is a stock witness and her evidence be considered from the glass of suspicion as she is not trust-worthy. Considering the seizure and panchnama (Exh.114, 118), it is proper to observe that her evidence inspires confidence.

191] In respect of other panch witness Mr. Vartak (PW4), it is submitted that he has stated nothing against accused. He has proved spot panchnama. His evidence is regarding spot panchnama and photographs. Submission in respect of other witnesses Mr. Sawant (PW12), Nikhil Bhure (PW6) and API Ishwar Jagdale (PW14), are not proper. There is a cogent evidence which inspires confidence. The case laws filed by Adv. Shri. Tayade. I have gone through it. On facts before me I state that same are not helping to the accused.

192] I agree with APP Shri. Gehlot that the prosecution has proved all the ingredients of Section 306 of Indian Penal Code i.e. harassment, abatement and instigation on the part of accused No.1 and 2 is proved from continuous course of conduct. Common intention, mens rea on the part of accused No.1 and 2 is also proved from their behaviour, reactions and responses. Here, I conclude that prosecution has bring on the guilt against accused No.1 and 2 beyond reasonable doubt. Accordingly I answer point No.1 and 2 against accused No.1 and 2 as proved and against accused No.3 as not proved.

193] I took the pause here to hear the accused on the

point of sentence:-

Date :13.11.2025

(A.I.Perampalli)  
Additional Sessions Judge,  
Pune.

194] I heard accused No.1 Shalini Kolhe and accused No.2 Komal Choudhary-- daughter of accused No.1 and wife of deceased Dipak. Heard Adv. Shri. Tayade. All of them submitted that leniency be shown considering the age of accused No.1 and considering a daughter of accused No.2 from deceased, who is residing along with accused No.2. She submitted that she is serving as accountant for survival. Adv. Shri. Tayade would submit that only sentence of fine be given. APP Shri. Gehlot submitted that in Section 306 there is word 'and' and not 'or'. According to him, this is Court of Session. Court cannot release on mere fine or minimum sentence. The sentence should be more than 7 years and it should not be less than 7 years.

195] He would submit that consider the conduct of accused No.1 and 2, who never appeared in the whole trial during recording of the evidence on pretext that daughter of accused No.2 is suffering from cancer and made to believe all that she could not come due to that reason. He pointed out that daughter of accused No.2 is not suffering from cancer and every time false applications were filed.

196] It is a fact that Advocate on behalf of accused conducted trial in absence of accused. It is not proper to make much capital of it as trial is over.

**On the point of sentence:**

197] I would like to state that the deceased was heyday of youth. His plight has come in the evidence of watchman Kadam (PW5). Before him the deceased uttered word, “रोजच आमच्या घरी भांडणे असतात.” This shows the condition of the deceased when he was cohabiting with accused No.2.

198] It is proved fact that for the first time deceased attempted to commit suicide in his own house but could not suicide for the reason mentioned in the evidence. That time the accused No.1 and 2 uttered, “आत्ताच्या आत्ता पैसे टाक. आम्ही निघून जातो.” The policy of accused is headline policy.

199] The moment of attempt to commit for suicide was apogee. Instead of appeasing the deceased or heartening him or to calm him, they uttered above words.

200] At that moment, they sentimentalized him. Their conduct was not correct conduct. The accused No.1 and 2 having practical knowledge and awareness as both of them married, cohabited with their husband. Any prudent person understand the body movements which communicates mental feeling of a person. The body movements of the deceased at the time of first attempt communicated his feeling that he is going to commit suicide. But mercilessly they did nothing but uttered above words. They did not show any kind act towards him. They did not coax him and they allowed him to go.

201] The deceased was solvent. He was having solvency to clear up the loan. Accused No.1 and 2 would recover that loan amount in future. Moreover, he was son-in-law of accused

No.1 and husband of accused No.2. Then also they acted as a hard liner and acted in imprudence manner for the days before suicide. This shows common intention on their part and establish mens rea along with harassment.

202] I am inclined to sentence the accused No.2 with rigorous imprisonment of ten years for the commission of the offence under section 306 because the miserable life of deceased during cohabitation with accused No.2. But considering daughter of deceased with her, I am of view that it is necessary to reduce that sentence to 7 years. There is no question of daughter of accused No.2 as her maternal grandfather is with her, so also maternal aunt.

203] I inclined to sentence the accused No.1 with rigorous imprisonment of 7 years. It is because her conduct during the period where deceased was detained and her conduct when he was attempting to commit suicide for first time and knowledge that he is going to commit suicide and she called to Rajani Rao (PW1) and Ravi Lakabshetty (PW3).

204] In respect of fine, I would to state that their financial condition is sound. This fact come on record in the evidence. I sentenced them to pay fine of Rs.25,000/- each.

205] In respect of accused No.3, I would like to state that there is no evidence against him. I have acquitted him. Therefore, I proceed to pass following order:-

### **ORDER**

- 1] **The accused No.1 Shalini Krishna Kolhe and accused No.2 Komal Dipak Choudhari** are convicted of the

offence punishable under **Section 306 read with Section 34** of the Indian Penal Code as per section 235(2) of the Code of Criminal Procedure.

- 2] **The accused No.1 Shalini Krishna Kolhe** is sentenced to suffer rigorous imprisonment for 7 (seven) years and to pay fine of Rs.25,000/- (Twenty Five thousand) and in default of payment of fine, simple imprisonment for six months as per section 235(2) of the Code of Criminal Procedure.
- 3] The accused No.2 **Smt. Komal Dipak Choudhari** is sentenced to suffer rigorous imprisonment for 7 (seven) years and to pay fine of Rs.25,000/- (Twenty Five thousand) and in default of payment of fine, simple imprisonment for one month as per section 235(2) of the Code of Criminal Procedure.
- 4] **Accused No.3 Krushna Bajirao Kolhe** is acquitted of the offence punishable under Section 306 read with section 34 of the Indian Penal Code vide Section 235(1) of the Code of Criminal Procedure.
- 5] Copy of the judgment be provided to the accused immediately free of cost.
- 6] Muddemal property be preserved till Judgment in appeal or appeal period is over.
- 7] Bail bonds of accused No.1 and 2 are forfeited.
- 8] Accused No.3 shall furnish personal bond and security bond of Rs.25,000/- (Rs. Twenty Five Thousand) under Section 437(A) of Code of Criminal Procedure.

Declared in Open Court.

Date : 13.11.2025

(A.I.Perampalli)  
Additional Sessions Judge,  
Pune.