



REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. _____ OF 2026
(Arising out of SLP (Criminal) No. 17179 of 2025)

VINOD SHIVAKUMAR

...APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA

...RESPONDENT(S)

J U D G M E N T

SATISH CHANDRA SHARMA, J.

Leave granted.

1. The present appeal is arising out of impugned judgment dated 24.09.2025 passed in Criminal Revision Application No. 24 of 2025 passed by the High Court of Judicature at Bombay, Nagpur Bench, Nagpur.

2. The facts of the case reveal that a Forest Range Officer, Harisal Range, has committed suicide on 25.03.2021, leaving

behind three suicide notes. These suicide notes were addressed to Additional Principal Chief Conservator of Forest, Amaravati – Mr. Reddy, her mother and her husband. The deceased Forest Range Officer who shot dead herself by the official weapon assigned to her, levelled allegations against the Appellant and stated that because of the Appellant, she is committing suicide. The record of the case further reveals that the First Information Report (hereinafter “FIR”) was registered against the present Appellant – Vinod Shivakumar and one Mr. Reddy. FIR against Mr. Reddy has already been quashed by the High Court of Bombay *vide* order dated 13.08.2021. It is noteworthy to mention that the Appellant has earlier approached the High Court of Bombay, Nagpur Bench, Nagpur for quashing the criminal proceedings and setting aside the charge-sheet filed for the offences punishable under Sections 306, 312, 504 and 506 of the Indian Penal Code (hereinafter, “IPC”), however, he restricted his claim to the extent of Section 312 IPC with the liberty to raise all his contentions at an appropriate stage before the High Court. The High Court of Judicature at Bombay, Nagpur Bench, Nagpur, quashed the FIR to the extent of Section 312 IPC *vide* order dated 30.06.2023.

3. The Appellant thereafter preferred an application in Sessions Case No. 52/2021 for discharge under Section 227 of the Code of Criminal Procedure (hereinafter “Cr.P.C.”) and the

said application was dismissed by the Additional Sessions Judge, Achalpur, *vide* order dated 24.10.2024. The Appellant being aggrieved by the order rejecting the discharge application preferred a Criminal Revision Application No. 24 of 2025 which has been dismissed by the impugned order before this Court.

4. Learned counsel for the Appellant submitted that the Appellant was the senior officer in the Forest Department and had assigned various duties to the deceased. She has applied for grant of leave on number of occasions and the Appellant being the senior officer was having the authority to forward the leave application to the other senior officers and out of eight occasions, the deceased was granted leave on six occasions and the deceased remained absent for more than a month. Learned counsel has vehemently argued before this Court that there has to be proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. He has stated that there was no proximate act by the Appellant which allegedly drove the Forest Range Officer to commit suicide. He has read out the suicide note dated 25.03.2021 addressed to Mr. Reddy, Additional PCCCF and Area Director, Melghat Tiger Reserve, Amravati, wherein it refers to an incident dated 17.03.2020 where she was ordered by the present Appellant to remove encroachment and to arrest the

accused persons. Reference has been made to certain conversations between the Appellant and the deceased, however, the fact remains that the incident was dated 17.03.2020. In the same suicide note, it has been stated that the A.C.F. and D.C.F. forced her to trek on a dirty road for three consecutive days, which resulted in her abortion. However, so far as Section 312 IPC (voluntarily causing miscarriage), the FIR has already been quashed to that extent. In the suicide note, it has been further stated that her pay has been stopped and the same should be released and it is Vinod Shivakumar – the present Appellant and the DCF, who is solely responsible for her to commit suicide. She has also stated that she was mentally harassed by her superior officer.

5. The next suicide note, which is at page 41 of the Paper Book, states that her immediate boss has made her mad and her hard disc is now full. In the same suicide note, allegations have been made against one Manisha Uike to the effect that she is ruining the life of the deceased and again it has been stated that the Appellant is responsible for her death.

6. The suicide note which is addressed to her mother at page 42 of the Paper Book, states that the Appellant used to scold her and because of that she is mentally disturbed and she wanted to leave the job, however, she has left the idea of leaving the job. It

has been stated *inter alia* that she has already lodged a complaint with the Area Director – Mr. Reddy, however, no action was initiated against the present Appellant by Mr. Reddy.

7. The main suicide note dated 25.03.2021, addressed to Mr. Reddy, Addl. P.C.C.F and Area Director, reads as under:

Dated: 25.03.2021

*To,
Shri. Reddy Sir,
Addl. P.C.C.F, & Area Director,
Melghat Tiger Reserve,
Amravati*

Sir,

Sir, when I was transferred to Harisal from Dhulghat, I was very happy as you took me under your control, even though an enquiry was initiated against me. Then I learned that Shivkumar sir is DCF, became happier, as I liked the work of sir. However, when I joined Gugamal, I came to know about his real nature. Earlier he used to treat me nicely. I used to complete work of my range before everybody. But, when our range outclassed other ranges, then the employees of other ranges started to poison his ears and the sir, believing in it, started issuing notices to me. He started to suspend and issue charge-sheet he feels anything wrong. I am in-charge of rehabilitation of 2-3 villages, but the sir never held any meeting in the villages, instead, if the villagers met during tour, he abused me in their presence. He never supported me in rehabilitation. He always forced me to do illegal work and he always in search of reasons to belittle me. On 17th

March, 2020 he called in the afternoon about encroachment of Mangiya and ordered me on phone to remove the encroachment and to arrest the accused. I reached on the spot with my staff. When I conveyed him, on phone and wireless, that people here are abusing her and they have detained us, he said, "You are lying creating a drama and when I informed him that the villagers are threatening to file charges of atrocity against me, he said, "I will tell SP to charge under Atrocity Act, see how it feels to stay in jail for four months. I have it recorded in my mobile. The said recording is also heard by MR Navneetji Raja madam. You all know that I was on leave as I could not secure bail In the said case of atrocity. I had informed you about the decision of court from time to time. But Shivkumar refused to allowed to join and recommended to reject my leave. You also rejected my leave and did not pay me the salary. During your visit to Amzari, I told Piyusha madam and I am pregnant and hence I cannot take part In trekking and went home. But, thereafter A.C.F and D.C.F forced me to trek on dirt roads for 3 consecutive days, which resulted in my abortion, but I was also rejected leave for the same. My matrimonial home is at Amravati, but I cannot go to home even for a day in a month. We work for our family, but cannot spend a single with them. He ask me to come anywhere in the dead of night and talks in vulgar language. I had filed a complaint to you about this. However, I knew that you will favour your IFS officer and hence I was thinking of transfer. Melghat is such swampy place, where one can come on his own will, but cannot leave without your consent and I am going deep in this swamp. The posts of Vanpal and Forest Guard of my circle are still vacant. Shivkumar sir never guided us how

to correct the mistakes, but always cause financial and mental harassment to me. I was not going to join my duty after medical leave, but as you assured me that you will talk to D.C.F. sir, but there is no change in his behaviour, which is increasing day by day. He abuses me in presence of my staff and other villagers, which I cannot tolerate now and therefore telling you all this. He is punishing me as I did not succumb to his whims and wishes, when he called me at Sankul, Akot phata and tried to take advantage of me. I know that you will not take any action, because he is your protege.

I request you to please release my stopped pay and give all financial benefits to my mother after my death. You receive many complaints about Vinod Shivkumar, take it seriously, because your name is also getting tarnished because of him. You check the CCTV, he harasses people on field and abuse in vulgar language.

He is frequently visiting Harisal since last week and is behaving in wrong way with me. I am mentally harassed by this and all my stall is aware of this.

Vinod Shivkumar, Dy. Conservator of Forest, Wild Animals Division, Jugamal, Chikhaldara is solely responsible for my suicide.

Sir, till now you supported me a lot, I thank you from my heart. Please help my mother to reach her town safely and take action against Vinod Shivkumar. This is my last wish. Whatever happened with me should not be repeated with others.”

8. The deceased Forest Range Officer committed suicide on 25.03.2021. A detailed investigation was carried out in the matter. In

the statement of various witnesses given to the police, the statement of one witness, namely, Smt. Piyusha Pramod Jagtap revealed that on 08.10.2020, when the entire group was trekking, the deceased told her that she could not trek as she was pregnant, however, she has categorically stated that she has not told about her pregnancy to APCCF - Mr. Reddy and DCF - the present Appellant, during trek or afterwards. She has stated that DCF-Vinod Shivakumar, the present Appellant, was told by her immediate superior APCCF Mr. Reddy to control his anger and behave nicely with colleagues. The statement of this witness which also refers to certain incidents which took place in the past, reveals that the Appellant was a strict officer. However, there is no incident immediately preceding the suicide which states that the suicide was the direct consequence of such continuous harassment at the hands of the present Appellant which finally driven the deceased to the extreme act of taking her own life. Another important aspect is that Manisha Uike against whom the allegations have also been levelled by the deceased to the effect that she ruined her life, has not been made a co-accused and the FIR against another senior officer has already been quashed by the High Court.

9. Learned counsel for the Appellant has also strenuously argued before this Court that for charging a person for abetment to suicide, there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, or instigation or provocation or intend to abet. Learned counsel pointed

out that the incidents mentioned by the deceased against the Appellant were the incidents which took place at least one year prior to the commission of the alleged suicide and in the charge-sheet also, it has been stated that on account of rude, cruel and obnoxious behaviour of the Appellant, the deceased allegedly committed suicide. The factors taken into account for charging the Appellant includes the order given by the Appellant for removal of encroachment, registration of First Information Report under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the deceased, at the behest of Manisha Uike, issuance of show cause notice to her and by forcing her to trek in the forest which caused miscarriage of pregnancy.

10. Per contra, learned Government Advocate has supported the impugned order passed by the High Court and has argued before this Court that there was enough material against the Appellant to charge the Appellant for an offence punishable under Section 306 IPC. He has vehemently argued that the suicide note details about the continuous abuse at the hands of the Appellant during field visits and the Appellant insulting the deceased in front of other officers. The State has also referred to a complaint lodged against the Appellant by a forest peon and the consequent registration of FIR No. 30/2018 dated 29.01.2018 in respect of the averment that the behaviour of the Appellant towards his subordinate staff was cruel. Learned Government Advocate has vehemently submitted that the Appellant

repeatedly insulted the deceased on different occasions which drove her to commit suicide.

11. We have carefully perused the record and heard the Learned counsels for the Appellant and the State.

12. Section 306 IPC is reproduced below for ready reference:

“306. Abetment of suicide. – If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

13. We must read Section 306 IPC with Section 107 IPC which defines ‘Abetment’; and it reads as below:

“107. Abetment of a thing. – A person abets the doing of a thing, who—

First. — Instigates any person to do that thing; or

Secondly. — Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly. — Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1. — A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose,

voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2. — Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act.”

14. When Section 306 IPC is read with Section 107 IPC, it is clear that there must be (i) direct or indirect instigation (ii) in close proximity to the commission of suicide, along with (iii) clear *mens rea* to abet the commission of suicide.

15. The term instigation under Section 107 IPC has further been explained in ***Ude Singh & Ors. v. State of Haryana***, (2019) 17 SCC 301, as follows:

“14.120. Instigation is to goad, urge forward, provoke, incite or encourage to do “an act”. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger

or emotion without intending the consequences to actually follow cannot be said to be instigation.”

16. In ***Prakash & Ors. v. State of Maharashtra & Anr.***, (2026) 6 SCC 251, this Court has further interpreted the offence as below:

“18. Section 306 of the IPC has two basic ingredients-first, an act of suicide by one person and second, the abetment to the said act by another person(s). In order to sustain a charge under Section 306 IPC, it must necessarily be proved that the accused person has contributed to the suicide by the deceased by some direct or indirect act. To prove such contribution or involvement, one of the three conditions outlined in Section 107 IPC has to be satisfied.

19. Section 306 read with Section 107 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.”

17. Reliance is to be placed upon ***Pawan Kumar v. State of H.P.***, 2017 (7) SCC 780 wherein the Supreme Court held:

“43. Keeping in view the aforesaid legal position, we are required to address whether there has been

abetment in committing suicide. Be it clearly stated that mere allegation of harassment without any positive action in proximity to the time of occurrence on the part of the accused that led a person to commit suicide, a conviction in terms of Section 306 IPC is not sustainable. A casual remark that is likely to cause harassment in ordinary course of things will not come within the purview of instigation. A mere reprimand or a word in a fit of anger will not earn the status of abetment. There has to be positive action that creates a situation for the victim to put an end to life.”

18. In the case of ***Madan Mohan Singh v. State of Gujarat & Anr.***, (2010) 8 SCC 628, the driver of the accused had alleged in his suicide note that the accused had driven him to the extent of committing suicide. Despite such an allegation in the suicide note, this Court found that there was absolutely nothing in the suicide note or the FIR which could be viewed as an offence, much less under Section 306 of the IPC. It was observed as under:

“10. We are convinced that there is absolutely nothing in this suicide note or the FIR which would even distantly be viewed as an offence much less under Section 306 IPC. We could not find anything in the FIR or in the so-called suicide note which could be suggested as abetment to commit suicide. In such matters there must be an allegation that the accused had instigated the deceased to commit suicide or secondly, had engaged with some other person in a conspiracy and lastly, that the accused had in any way aided any act or illegal omission to bring about the suicide.

11. ...Even if it is accepted that the accused changed the duty of the driver or that the accused asked him not to take the keys of the car and to keep the keys of the car in the office itself, it does not mean that the accused intended or knew that the driver should commit suicide because of this.

12. In order to bring out an offence under Section 306 IPC 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. 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...”

19. Recently in the case of ***Abhinav Mohan Delkar v. State of Maharashtra & Ors.***, (2026) 6 SCC 233 this Court has interpreted Sections 306 and 107 IPC together and observed:

“25. ...even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one’s life. Figuratively, ‘the straw that broke the camel’s back’; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is

the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.

26. 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. 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."

20. In ***Amalendu Pal v. State of West Bengal***, (2010) 1 SCC 707, also it was observed that:

“12. ...Merely on the 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, conviction in terms of Section 306 IPC is not sustainable.”

21. Upon a perusal of several aforementioned judicial pronouncements, we find ourselves unable to agree with the High Court and the Trial Court.

22. We have carefully examined the suicide notes as well as the statements of the witnesses relied upon by the prosecution. A perusal of the said material reveals that the allegations levelled against the Appellant essentially pertain to: (a) official reprimands and show cause notices issued in the course of discharge of duties; (b) assignment of work relating to removal of encroachments and rehabilitation of villages; (c) registration of an FIR under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the deceased, allegedly in connivance with one Manisha Uike; and (d) forcing the deceased to trek in the forest which caused her miscarriage.

23. Even if the aforesaid allegations are accepted at their face value, they do not, in our considered opinion, disclose the essential ingredients of the offence punishable under Section 306 of the IPC. There is a complete absence of any proximate act of instigation

immediately preceding the suicide that could be said to have driven the deceased to take the extreme step. All the incidents relied upon by the prosecution are remote in point of time. The alleged miscarriage occurred in October 2020 and the charge founded thereon under Section 312 of the IPC already stands quashed by the High Court by its order dated 30.06.2023, whereas the suicide took place after over five months, on 25.03.2021. Similarly, the allegations regarding removal of encroachments and the registration of the FIR under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act pertain to March 2020, while the rehabilitation work concerning Village Malur had been undertaken over several months during the year 2020. The material on record does not disclose any overt act of instigation, goading or intentional aid on the part of the Appellant immediately preceding the commission of suicide.

24. Further allegations against the Appellant principally arise out of the discharge of his official functions as the superior officer of the deceased. It has been alleged that on 22/23.03.2021 the Appellant reprimanded the deceased for watering of a water hole and engagement of a JCB driver for official work. However, ordinary administrative directions, disciplinary supervision, adverse remarks regarding official performance, or even stern behaviour on the part of a superior officer, however unpleasant they may have been perceived by the deceased, cannot, in the absence of additional

material demonstrating a conscious intention to drive a subordinate to commit suicide, be elevated to the status of abetment under Section 306 IPC. As observed by this Court in *Abhinav Mohan Delkar* (supra), merely because the victim was continuously harassed and, at one stage, succumbed to the extreme act of taking his or her own life, cannot by itself lead to a finding of positive instigation constituting abetment. There must exist a proximate act amounting to instigation or intentional aid which creates such circumstances as would drive the victim to commit suicide.

25. We further find that the prosecution has failed to *prima facie* establish that the Appellant had any intention to instigate, aid or abet the deceased to commit suicide. The suicide notes undoubtedly reflect the anguish of the deceased, however, they do not disclose any act on the part of the Appellant from which the requisite *mens rea* can reasonably be inferred. There is also no material to suggest that the Appellant, by his words or conduct, intended to push the deceased into such a position that she was left with no reasonable alternative except to take her own life. No doubt, a young Range Forest Officer lost her life in an unfortunate incident. However, criminal liability under Section 306 IPC cannot rest upon the tragedy of the outcome alone; it must be founded upon the statutory ingredients of Section 306, which are absent in the present case.

26. We are, therefore, satisfied that even if the entire prosecution material is accepted at its face value, the ingredients of the offence punishable under Section 306 IPC are not made out. The continuation of the criminal proceedings against the Appellant would, in the facts and circumstances of the present case, amount to an abuse of the process of law.

27. We also find that no *prima facie* case is made out for the offences punishable under Sections 504 and 506 IPC. The material on record does not disclose any intentional insult of such a nature as was likely to provoke a breach of the peace, nor does it reveal any criminal intimidation within the meaning of Section 503 IPC. The allegations against the Appellant pertain primarily to acts performed in his official capacity as the superior officer of the deceased. Insofar as the alleged threats of suspension are concerned, it is not in dispute that the Appellant was not the competent authority to suspend the deceased and could not have done so without the approval of the Additional Principal Chief Conservator of Forests. In these circumstances, the essential ingredients of Sections 504 and 506 IPC are also not attracted.

28. Accordingly, the appeal is allowed and the impugned judgment and order of the High Court of Judicature at Bombay, Nagpur Bench, Nagpur passed on 24.09.2025 in Criminal Revision Application No. 24 of 2025 and the order of the Additional Sessions Judge, Achalpur dated 24.10.2024

in Sessions Case No. 52 of 2021 are set aside. The Appellant is discharged from Sessions Case No. 52 of 2021. The bail bonds, if any, shall stand cancelled.

29. Pending application(s), if any, shall also stand disposed of.

.....J.
[SATISH CHANDRA SHARMA]

.....J.
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI
August 14, 2026.