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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.317 OF 2008

Ashok Maruti Kanase)
Age 31 years, Occupation Service)
R/o. Village Chakan, Tal. Khed,)
District Pune.)
(Applicant at present in Jail, Yerawada) ...Applicant/Org. Accused

Versus

The State of Maharashtra)
Through Chakan Police Station)
District Pune.) ... Respondent

Mr. U.B. Nighot, for the Applicant.
Mr. Tanveer G. Khan, APP for the Respondent/ State.
API- R.B. Pawar, North Chakan Police Station, Pimpri Chinchwad, is present.

CORAM : M.M. SATHAYE, J.
RESERVED ON : 24th APRIL, 2026
PRONOUNCED ON : 22nd SEPTEMBER, 2026

JUDGMENT :

1. Invoking Section 397 r/w. 401 of The Code of Criminal Procedure, 1973 ('CrPC', for short). The Revision Applicant/accused is challenging conviction and sentence for offences punishable under Sections 306 and 498A of The Indian Penal Code, 1860 ('IPC', for short), as explained hereinbelow. The Revision Applicant is sole accused in Crime No.41/2004 filed by his father-in-law. The Revision

Applicant is convicted by the Trial Court for both the offences which conviction is confirmed by the Appellate Court.

BRIEF BACKGROUND

2. The Revision Applicant got married with deceased Sindhu in the year 1994. One son and one daughter were born from the wedlock. Initially, the Revision Applicant and said Sindhu were residing at Kasara and thereafter at Chakan and leading happy married life till about year 2001. Thereafter, the trouble started when the Revision Applicant decided to start additional business of selling coconut oil, for which he was in need of money and he started demanding the same from Sindhu. For fulfilling this demand, he started subjecting Sindhu to physical assault and mental harassment. When Sindhu informed the same to her family members, initially her father gave Rs.7,000/- to the Revision Applicant but thereafter also the harassment continued, which was informed by Sindhu. Then again father of Sindhu gave an additional amount of Rs.10,000/- to the Revision Applicant and tried to convince him to treat Sindhu properly but in vain.

3. On 12.03.2004, father and brother of Sindhu met her when she told that for about 2 months the Revision Applicant was not doing any work and was demanding to bring amount from her parents for the purpose of business. She also expressed that she is completely fed up. The Revision Applicant threatened Sindhu not to return without money. Father and brother of Sindhu requested the father-in-law to intervene but he did not help saying that the Revision Applicant will

not listen. Therefore, father and brother of deceased Sindhu tried to convince her to come to the parental house. However, Sindhu refused it in a fit of anger saying that they were not having any money and her husband is also not allowing her to stay in the house. She returned to the house of the Revision Applicant totally fed up.

4. Thereafter, within 12 days, on 24.03.2004, dead body of Sindhu and her two minor children Priyanka and Akshay were found in Indrayani river. The children were 7 and 9 years of age. The parents were informed who identified the bodies and received their custody after post-mortem. Last rites were performed. Then on 29.03.2004 father of deceased Sindhu lodged complaint at Chakan Police Station leading to Crime No. 41/2004 being registered.

5. During investigation, spot panchnama was made, statements of witnesses were recorded, the Revision Applicant was arrested, post-mortem reports were collected showing cause of death as 'asphyxia due to drowning'. Charge-sheet came to be filed. The case was committed to the Sessions Court. Charges were framed.

6. The Revision Applicant pleaded not guilty claiming innocence.

7. Prosecution examined 8 witnesses including father and brother of deceased as PW-1 & PW-2, her cousin brother as PW-3, neighbour as PW-4, her landlord as PW-5, Investigating Officer as PW-6, Medical Officers/doctors as PW-7 and PW-8.

8. Learned 13th Ad-hoc Assistant Sessions Judge, Pune who heard and tried the case was pleased to convict the Revision Applicant for

offences punishable under Section 498A and 306 of IPC under Judgment and Order dated 29.12.2004 passed in S.C. No. 241/2004. The Revision Applicant was sentenced to undergo rigorous imprisonment ('R.I.' for short) for 2 years for offence under Section 498A of IPC and to pay fine of Rs.500/- and in default of payment of fine, to undergo R. I. of 6 months. The Revision Applicant was further sentenced to undergo R. I. for 3 years and to pay Rs.1,000/- for offence under Section 306 of IPC and in default of payment of fine, to undergo R. I. of 6 months. Substantive sentences were directed to run concurrently. The Revision Applicant was under trial prisoner at the relevant time.

9. The Revision Applicant filed Criminal Appeal No. 1 of 2005 challenging the conviction and sentence by the Trial Court. By impugned judgment and order dated 18.06.2008, the learned Sessions Judge, 5, Pune dismissed the appeal thereby confirming the conviction and sentence. Bail bond of Revision Applicant was cancelled and he was taken into custody. It was recorded that the Revision Applicant is entitled to set off for the period already undergone in jail from 01.04.2004 to 01.02.2005.

10. The Revision Applicant filed the present revision application, which was admitted on 12.08.2008. On the same day, the Revision Applicant was granted bail. Therefore, the Revision Applicant has undergone the imprisonment for a period of about 1 year.

SUBMISSIONS

11. Learned counsel for the Revision Applicant submitted as under.

11.1. That no details about payment of Rs.10,000/- and Rs.7,000/- by the father has come on record. That the FIR is lodged as an afterthought after 5 days.

11.2. That the alleged offence is not proved beyond reasonable doubt. That the witnesses being close relative of deceased Sindhu, are interested witnesses being father, brother and cousin. That no neighboring witness is examined about alleged cruelty and abetment to suicide. That PW-4 neighboring lady is also an interested witness because she was relative of the landlord who was trying to get the possession back from family of the deceased.

11.3. That Sindhu faced many other problems in her life such as health problems of the children. That the Revision Applicant was a caring husband as he had called brother of deceased when she went missing.

11.4. He lastly submitted that by passage of time, the Revision Applicant has now reached 60 years of age and therefore lenient view be taken considering that he has already undergone about 1 year of imprisonment.

12. On the other hand, learned APP supported the impugned order contending *inter alia* that the witnesses have stated that in March 2004, very close to the date of incident, that Sindhu had informed about her husband not going to work and demanding money. He submitted that it has come on record that the Revision Applicant had told deceased Sindhu that she should not return home without money. He submitted that Rs.7,000/- was paid during Diwali of 2001.

That evidence of witnesses, who have corroborated the case has not been shaken during cross-examination. He submitted that offence under Section 306 of IPC is punishable by imprisonment upto 10 years. However, already lenient view is taken and 3 years R.I. is awarded. He submitted that proximate reason existed in the form of demand informed by deceased Sindhu to her father and brother on 12.03.2004, and incident has taken place immediately within 12 days thereafter.

REASONS AND CONCLUSION

13. I have considered rival submissions and perused the record.

14. At the outset, it is material to note that there is no dispute about the fact that deceased Sindhu as well as both the children were found dead due to drowning in water. The medical evidence in that respect is undeniable.

15. PW-1 - Father of the deceased has stated as under.

15.1. That in Diwali Festival of 2001 deceased Sindhu had come to the parental house along with children when she had informed that the Revision Applicant was in need of Rs.30,000/- and that the Revision Applicant had asked her to bring the money from her parents for which she was facing beating and harassment and therefore amount of Rs.7,000/- was given to Sindhu. He has also stated that thereafter, deceased Sindhu has informed 2/3 times on telephone about demand of money, from the Revision Applicant and therefore, he had paid further amount of Rs.10,000/- to the Revision

Applicant.

15.2. He has further stated that on 12.03.2004, deceased Sindhu had come to her in-laws' house which is located near to the father's house and therefore, he and his family members went to meet Sindhu, when she informed that the Revision Applicant has stopped going to work since couple of months and that the Revision Applicant had demanded amount for his business and asked her to bring the amount from her parents. Deceased had informed that the Revision Applicant warned her that if she does not come with the amount, then she should not come back to the house.

15.3. He has stated that he asked her father-in-law to intervene but he said that he has no concern and will not visit the Revision Applicant for convincing.

15.4. He has further stated that when he tried to convince deceased Sindhu, she was not ready to go home because the Revision Applicant was harassing her by demanding amount.

16. PW-2 - Brother of the deceased Sindhu has corroborated the version of the father.

17. PW-3 - Cousin of the deceased has also corroborated stating that since 2001 the ill-treatment and harassment had started at the hands of the Revision Applicant. He has stated that deceased Sindhu told that her husband wanted to start business for which he needed money which was demanded from deceased Sindhu and she was beaten and abused for the same. He has stated that the father of

Sindhu had paid Rs.7,000/- and Rs.10,000/- to the Revision Applicant.

18. PW-4 - Neighbour of the deceased has stated as under.

18.1. That she resided in the flat opposite the flat occupied by the Revision Applicant and deceased. She has stated that the Revision Applicant was addicted to alcohol and there used to be disputes between Revision Applicant and his wife and the Revision Applicant used to beat his wife. She has stated that Revision Applicant was indebted. She has stated that deceased Sindhu was suffering from mental torture because of the visit of persons who would come demanding money/repayment of loan. She has also stated that the Revision Applicant was asking the deceased to bring money from the parental house.

18.2. This witness (neighbour) has stated that on 23.03.2004 (one day prior to the incident), the deceased had asked the Revision Applicant about payment of rent and quarrel had taken place on that count when the Revision Applicant had beaten the deceased at night time. She has stated that thereafter, deceased Sindhu left home with her children by locking the door of the house and while leaving the house, deceased Sindhu told PW-4 that as soon as her husband returns home, she should intimate her husband to make contact with her.

19. The aforesaid corroborating evidence is found sufficient by the Courts below to convict the Revision Applicant. The suggestions given in cross-examination to father of deceased about Revision Applicant's

financial condition and about his service, are not sufficient to materially shake their testimony. The admissions extracted from the witnesses about the ill health of the children are not sufficient to conclude that deceased Sindhu had other pressures in life, so much as to drive her to take the extreme step. The admission given by brother of deceased that he received telephone call from the Revision Applicant twice on the date of incident when deceased had left the house, is not sufficient to conclude that the Revision Applicant was a caring person as suggested by learned counsel for the Applicant.

20. Testimony of PW-4 - neighbour has not been materially shaken in cross-examination. The argument that PW-4 - neighbour is an interested witness because she is relative of the landlord who was interested in getting possession back is far-fetched and is not sufficient to discard the testimony of an independent witness.

21. In the backdrop of such evidence, the Appellate Court has rightly held that except for some minor discrepancies about delivery of amount at the hands of deceased Sindhu or directly to the Revision Applicant, there are no major inconsistencies or discrepancies. The Appellate Court has rightly considered that just about 12 days before the death, deceased had met her father and brother and as per their evidence at that time, deceased Sindhu had informed about the demand of money. The Appellate Court has considered evidence of cousin of the deceased as well as the neighbour. The Appellate Court has concluded that if there was no harassment and ill-treatment of deceased Sindhu at the hands of the Revision Applicant, there was no reason for her to end her life with the lives of two minor children

merely on the count that the landlord was asking to vacate the house. The Appellate Court has also rightly concluded that her condition has become so miserable on account of the harassment, that she took the extreme step. The Appellate Court has also rightly considered that the ill health of her two children was not of such nature or incurable so as to throw her in depression, because it has come on record that her son was operated for 'urinal problem' and daughter was suffering from 'weak eyesight'.

22. The Appellate Court has considered the overall situation in which the deceased Sindhu was caught where her husband was not allowing her to live peacefully, father-in-law was not intervening and her parents were not in a position to meet the demand of money by the husband. The Appellate Court has considered that the law about abetment and suicide includes cases where the accused creates a situation whereby evidence indicates that it amounted to instigation. A young mother with two young children have lost their life.

23. Both the Trial Court as well as Appellate Court has concurrently held that the offences are proved.

24. In **State Vs. Manimaran (2019) 13 SCC 670**, the Hon'ble Supreme Court has held as under:

"16. As held in *State of Kerala V. Puttumana Illath Jathavedan Namboodiri (1999) 2 SCC 452*, ordinarily it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as by the

Sessions Court in appeal. When the courts below recorded the concurrent findings of fact, in our view, the High Court was not right in interfering with the concurrent findings of fact arrived at by the courts below and the impugned order cannot be sustained."

(emphasis supplied)

25. Therefore, it is not possible to re-appreciate the evidence and to come to a contrary finding. Overall, the view taken by the Courts below can not be faulted.

26. In the aforesaid facts and circumstances and for reasons indicated above, there is no reason to interfere with concurrent findings.

27. **Revision application is dismissed.** Rule is discharged. Applicant's bail-bond and surety, if any, stand cancelled. Revision Applicant is given 4 weeks' time to surrender.

(M.M. SATHAYE, J.)