

Sunil Devidas Bhavsar Vs. State of Maharashtra and Others

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Court : Mumbai

Decided On : Aug-27-2013

Judge : A.H. Joshi

Appeal No. : Criminal Application No.136 of 2012

Appellant : Sunil Devidas Bhavsar

Respondent : State of Maharashtra and Others

Judgement :

P.C.

Heard.

2. This is an application filed by the first informant - Sunil Devidas Bhavsar. His wife had committed suicide. According to the F.I.R. was registered, alleging that the accused persons has abated the suicide. Charge-sheet was filed.

3. At the end of trial, the learned Sessions Court acquitted the accused. The first informant has filed this appeal against acquittal.

4. Learned Advocate for the applicant has read out to the court the copy of suicide note. It is at page 195. This court has also perused the same.

5. The suicide note expresses grievance against accused persons to the effect that :-

She had sold the house in return of debt, to the Accused. The accused were demanding interest. She had landed in a situation of penury and extreme frustration due to the pestering by accused. She believed that during her lifetime the justice would not be done.

6. Any other independent evidence in support of the charge was not led.

7. In the result, the Sessions Judge had recorded a finding holding that not only the investigation was not proper, but with whatever material that had come on record the charge of offence under section 306 was not proved against the accused persons.

8. Applicant and the APP were not able to demonstrate apart from suicide note, any evidence to prove any act of abatement of suicide on the part of accused.

9. Seen from any angle, the suicide note is not a trustworthy evidence and proof of fact of abatement. Moreover, the suicide note itself is not proved.

10. It is also not shown that eye witnesses were named but were not called or were wrongly declined to be summoned by the Sessions Court.

11. In the result, it is evident that the application has no merit and deserves to be dismissed, and is dismissed.

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