

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

REVISION APPLICATION NO. 298 OF 2005

NAVNATH
SITARAM
WAGHMARE

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Mr. Gautam Khandjua,
Age: 33 Yrs., Occ: Business,
R/at. 71-C, Land Breeze, 52, Pali Hill,
Bandra (West), Mumbai - 400 050.

...Applicant

Versus

1. State of Maharashtra,
(Inspector of Police, Versova Police Station,
Mumbai).

2.Nirmal Joseph,
(of Bangalore, Indian Inhabitant residing at 40
Ferns Meadows, Hennur Road, Byrathi, Bangalore-
562 149.)

...Respondents

Mr. Ashok Mundargi, Senior Advocate a/w Mr. Dipesh Mehta, Ms. Rumi
Mirza, Mr. Kaushal Thakker & Ms. Sonea Kanal i/b Dipesh Mehta &
Associates for the Applicant.

Ms. Manisha R. Tidke, APP for Respondent/State.

None for the Respondent No.2.

CORAM : M.M. SATHAYE, J.

DATE : 10th SEPTEMBER, 2026

JUDGMENT :

1. Invoking Section 397 read with 401 of the Criminal Procedure Code, 1973 ('CrPC' for short), the Applicant-Original Accused is challenging an order dated 24.08.2005 passed by Learned Additional Sessions Judge, Mumbai in Misc. Application No. 625 of 2005, by which his application for discharge has been rejected, refusing to discharge him from the offence punishable under Section 306 of Indian Penal Code, 1860 ('IPC' for short).

BRIEF BACKGROUND

2. The Applicant met deceased Ms. Nafisa Joseph in 2003 and became friends. The deceased took Applicant to meet her parents at Bangalore and with the consent of parents, she got engaged with the Applicant on 23.05.2004 at Bangalore. The Applicant had told the deceased that he has taken divorce from his earlier wife – Ms. Naushin Khan by executing some kind of document or Memorandum of Understanding ('MoU' for short), however, the Applicants' mother informed the deceased that he was not divorced. Therefore, she asked the Applicant to show the divorce-papers. But inspite of her request, divorce papers were not shown. Deceased informed her mother on telephone that on 28.07.2004 she had a fight with the Applicant. On the same day, Applicant also called and informed deceased's mother that he had fight with the deceased over the divorce papers and requested her to come Mumbai. On receiving such calls, mother of deceased came to Mumbai from Bangalore on 28.07.2004 and she went to Applicant's house at Bandra, where the deceased, her mother, the Applicant and his parents were present. The Applicant refused to marry the deceased on the ground that she was short tempered and that she did not listen to anybody. According to deceased, she was only asking for divorce papers in respect of earlier marriage and that was the only ground of quarrel. The mother of the deceased also asked Applicant for divorce papers and questioned him as to why he is not showing such papers, even though had promised to do so, but Applicant kept quiet. Then deceased and her mother returned to deceased's flat at Andheri. On the next day, i.e. 29.07.2004 in the morning, mother of deceased called the Applicant because she wanted to meet him. He sent his car to fetch mother of the deceased. In presence of parents and sisters of Applicant, deceased's

mother asked the Applicant as to whether he wants to marry the deceased, when the Applicant said that Nafisa quarrels with him and that he will not marry her.

3. The deceased's mother returned home at Andheri but sent a message to deceased's friend Ms. Poonam Damania calling her home. In the evening, at about 06:00 p.m. Poonam came to the Andheri flat. The deceased was in a depressed state of mind, due to refusal by Applicant to marry her. Said Poonam and Mother of deceased requested the deceased to go to the doctor but she refused saying that she will go to the doctor, only if Applicant accompanies her. So, Poonam informed the Applicant on telephone that deceased has not eaten food for two days and he should come, but he did not come despite repeated calls. Thereafter, deceased went out of the room, locked the door from outside, went to another bed room, asked her maid to go out, locked herself inside and committed suicide by hanging herself to the ceiling fan with *dupatta*.

4. First Information Report ('FIR' for short) was lodged. Investigation was conducted. Statements of various persons were recorded. Chargesheet was filed. After committal, case was numbered as Sessions Case No. 244/2005 in Sessions court.

5. The Applicant filed Misc. Application No. 625 of 2005 seeking discharge under Section 227 of the Cr.PC. which is rejected under impugned order dated 24.08.2005.

6. In these circumstances, the Applicant filed present revision Application. This Court admitted the revision on 29.11.2005 and further proceedings of the trial was stayed. The Applicant was already granted anticipatory bail on 11.11.2004.

SUBMISSIONS

7. Learned Senior Advocate Mr. Mundargi appearing for the Applicant submitted as under:

7.1. That the material collected during investigation, when taken at its highest, does not disclose the essential ingredients of the offence u/s. 306 or 107 of IPC nor does it disclose 'abetment of suicide' which requires '*mens rea*'.

7.2. That the chargesheet does not attribute any act of instigation, threat, coercion, humiliation or intentional aid on the part of the Applicant. That the Chargesheet also fails to record that the Applicant and deceased had not spoken with each other for last 2 days prior to the death.

7.3. That the entire case is based on an erroneous assumption that the Applicant's decision not to proceed with the proposed marriage on account of persistent disputes and not to accompany the deceased to the doctor, is sufficient to attract Section 306 of IPC.

7.4. That the prosecution case merely alleges that differences arose between the parties and the Applicant expressed his unwillingness to proceed with the marriage because of incompatibility. This by itself does not satisfy the statutory requirements of Sections 306 and 107 of IPC. Mere failure of a relationship, refusal to marry, emotional distress or disappointment cannot, by themselves, tantamount to abetment especially when we consider the social background and previous broken relationships of both the parties involved.

7.5. That statement of Mr. Nirmal Joseph (Father of Deceased) mentions about the knowledge of the Applicant's earlier marriage and his divorce

under a MoU. Rest of the details mentioned speak about information derived from his wife, Mrs. Usha, after 15-20 days of the incident.

7.6. That statement of Mrs. Usha Joseph (Mother of Deceased) mentions about the failed past relationships of the Deceased with one Mr. Sameer Malhotra and one Mr. Sameer Soni. In both these cases, the Deceased had got engaged, or decided to marry, but the relationships failed. The statement also finds mention about the Applicant's earlier marriage and his divorce under a MoU. Further, it also states about the temperamental issues of the Deceased.

7.7. That statement of Ms. Poonam Damania (Friend of the Deceased) mentions about the Deceased consuming 'Restyl' tablets and 'Benadryl' syrup to sleep and further informs that she was called by Mrs. Usha at the residence and that she was with the Deceased for three hours prior to the incident. She also informs that she had messaged the Applicant asking him to accompany the Deceased to the doctor, signifies that the Applicant was not in contact with the Deceased at the relevant time. She also confirms that in the diary of the Deceased, there was only mention about house expenses, addresses and telephone numbers.

7.8. Statement of Ms. Durga Bisai (Maid of the Deceased) mentions that on the date of the incident, the Deceased was with her mother, Usha and her friend, Poonam, for about three hours, before death of the Deceased and there were arguments between the three of them.

7.9. In the impugned Order at paragraph no. 13, the learned Sessions Judge has observed that there is no evidence about the conspiracy or intention to aid on the part of the Accused.

7.10. That Hon'ble Supreme Court has held in catena of judgments that

offence under section 306 requires *mens rea* and direct instigation.

7.11. That therefore, taking the case of the prosecution at its highest, there is absolutely no material demonstrating *mens rea*, instigation, threat, coercion, humiliation or intentional aid on the part of the Accused and therefore the essential ingredients of Sections 306 and 107 of IPC are not made out and the Revision Application deserves to be allowed.

7.12. That in the offence under section 306 of IPC, what is to be seen is the intention of the Accused in alleged act or statement which led the Deceased to commit suicide and merely because Deceased committed suicide, the Accused cannot be held guilty without reference to his intention or *mens rea*.

7.13. He relied on following judgments in support of his case :

- (i) Satish Vs. State of Maharashtra 1997 Cri LJ 935.
- (ii) Sanju Vs. State of Madhya Pradesh (2002) 5 SCC 371.
- (iii) Seema Ajay Bhoosreddy Vs. State of Maharashtra MANU/MH/1961/2011.
- (iv) Gangula Mohan Reddy Vs. State of Andhra Pradesh. (2010) 1 SCC 750.
- (v) Kamaruddin Dastagir Sanadi Vs. State of Karnataka AIR 2025 SC 153.
- (vi) Abhinav Mohan Delkar Vs. State of Maharashtra & Ors. 2025 INSC 990.
- (vii) Mahendra Vs. State of Maharashtra. 2025 ALLMR (Cri) 4559.

8. Nobody appeared for Respondent No.2 (father of deceased) despite name of his advocate appearing on the cause-list.

9. Learned APP, Ms. Tidke, on the other hand supported the impugned order contending *inter alia* that considering material available on record, there is enough suspicion against the Applicant for him to face trial. She submitted that in close proximity of the incident in question, the Applicant was involved in the interaction, in as much as, there was quarrel between the Applicant and Deceased over non supply of divorce documents. She further submitted that admittedly, the Applicant was engaged with the deceased and marriage date was fixed and invitation cards were distributed. In such circumstances, since the Applicant refused to marry the deceased, deceased felt so humiliated by fear of disrepute to her and her family that she committed suicide. Therefore, the Applicant is directly responsible for suicide and this is not a fit case for discharge. She emphasized on the limited revisional jurisdiction of this Court and submitted that mini trial is not permitted at the stage of discharge. She prayed for dismissal of the revision application.

REASONS AND CONCLUSION

10. I have considered the rival submissions and perused the record. At the outset, it is necessary to bear in mind the scope of discharge application as well as limited revisional jurisdiction being exercised by this Court.

11. In **Union of India Vs. Prafulla Kumar Samal & Anr (1979) 3 SCC 4**, Hon'ble Supreme Court was considering the scope of Section 227 of Cr.P.C., where it is held that while deciding discharge application, the Court should not act as a Trial Court, but should weigh evidence

and form opinion only on the limited question of whether a prima facie case is made out. The Hon'ble Supreme Court has held as under :

“7. Section 227 of the Code runs thus:

If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.

The words 'not sufficient ground for proceeding against the accused' clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really his function after the trial starts. At the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. The sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him.

8. The scope of Section 227 of the Code was considered by a recent decision of this Court in this Court in the case case of State of Bihar v. Ramesh Singh (1977) 4 SCC 39 where Untwalia, J., speaking for the Court observed as follows:

Strong suspicion against the accused, if the matter remains in the region of suspicion, cannot take the place of proof of his guilt at the conclusion of the trial. But at the initial stage if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused. The presumption of the guilt of the accused which is to be drawn at the initial stage is not in the sense of the law governing the trial of criminal cases in France where the accused is presumed to be guilty unless the the contrary is proved. But it is only for the purpose of deciding prima facie whether the the Court should proceed with the trial or not. If the evidence which the Prosecutor proposes to adduce to prove the guilt of the accused even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, cannot show that the accused committed the offence, then there will be no sufficient ground for proceeding with the trial

This Court has thus held that whereas strong suspicion may not take the place of the proof a the trial stage, yet it may be sufficient for the satisfaction of the Sessions Judge in order to frame a charge against the accused. Even under the Code of 1898 this Court has

hold that a committing Magistrate had ample powers to weigh the evidence for the limited purpose of finding out whether or

not a case of commitment to the Sessions Judge has been made out.”

(emphasis supplied)

12. In **State of Tamil Nadu Vs. N. Suresh Rajan & Ors (2014) 11 SCC 709**, once again while considering the scope of Section 227 of Cr.P.C., the Hon'ble Supreme Court has held as under.

“29. We have bestowed our consideration to the rival submissions and the submissions made by Mr Ranjit Kumar commend us. True it is that at the time of consideration of the applications for discharge, the court cannot act as a mouthpiece of the prosecution or act as a post office and may sift evidence in order to find out whether or not the allegations made are groundless so as to pass an order of discharge. It is trite that at the stage of consideration of an application for discharge, the court has to proceed with an assumption that the materials brought on record by the prosecution are true and evaluate the said materials and documents with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be

considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage.”

(emphasis supplied)

13. In **State of Rajasthan V/s Ashok Kumar Kashyap (2021) 11 SCC 191**, the Honb’le Supreme Court while considering the scope of interference at the stage of framing of charges or considering discharge application, has held as under.

“13. Having considered the reasoning given by the High Court and the grounds which are weighed with the High Court while discharging the accused, we are of the opinion that the High Court has exceeded in its jurisdiction in exercise of the revisional jurisdiction and has acted beyond the scope of Section 227/239 CrPC. While discharging the accused, the High Court has gone into the merits of the case and has considered whether on the basis of the material on record, the accused is likely to be convicted or not. For the aforesaid, the High Court has considered in detail the transcript of the conversation between the complainant and the accused which exercise at this stage to consider the discharge application and/or framing of the charge is not permissible at all.

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15. As observed hereinabove, the High Court was required to consider whether a prima facie case has been made out or not and whether the accused is required to be further tried or not. At the stage of framing of the charge and/or considering the discharge application, the mini trial is not permissible. At this stage, it is to be noted that even as per Section 7 of the PC Act, even an attempt constitutes an offence. Therefore, the High Court has erred and/or exceeded in virtually holding a mini trial at the stage of discharge application.”

(emphasis supplied)

14. In **State of Gujarat v/s. Dilipsinh Kishorsinh Rao. (2023) 17 SCC 688**, the Hon’ble Supreme Court, while considering revisional jurisdiction of this Court while deciding discharge application, in paragraph nos. 10 and 17 has held that

“10. It is settled principle of law that at the stage of considering an application for discharge the court must proceed on an assumption that the material which has been brought on record by the prosecution is true and evaluate said material in order to determine whether the facts emerging from the material taken on its face value, disclose the existence of the ingredients necessary of the offence alleged.

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17. The revisional court cannot sit as an appellate

court and start appreciating the evidence by finding out inconsistency in the statement of witnesses and it is not legally permissible. The High Courts ought to be cognizant of the fact that the trial court was dealing with an application for discharge.”

(emphasis supplied)

15. In **State of Tamil Nadu v/s. R. Soundirarasu & Ors. (2023) 6 SCC 768**, once again, while commenting on revisional jurisdiction of this Court while dealing with discharge application, has held as under :

“79. xxxx

Thus, the revisional power cannot be exercised in a casual or mechanical manner. It can only be exercised to correct manifest error of law or procedure which would occasion injustice, if it is not corrected. The revisional power cannot be equated with the appellate power. A Revisional Court cannot undertake meticulous examination of the material on record as it is undertaken by the trial court or the appellate court. This power can only be exercised if there is any legal bar to the continuance of the proceedings or if the facts as stated in the charge-sheet are taken to be true on their face value and accepted in their entirety do not constitute the offence for which the accused has been charged. It is conferred to check grave error of law or procedure”.

(emphasis supplied)

16. It is therefore clear that while considering the discharge application, this Court cannot go into the merits of the case. It cannot

be considered whether on the basis of material on record, the accused is likely to be convicted or not. What is required to be considered is whether *prima facie* case has been made out or not and whether the accused is required to be further tried or not. The Court is expected to sift through the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused and it is not necessary for the Court to enter into the pros and cons of the matter or weighing and balancing of evidence and probabilities. Mini trial is certainly not permitted.

17. In the present case, statements of following persons have been recorded :

1. Nirmalkumar B. Joseph, Informant – Father of deceased, statement recorded during registration of FIR on 30.07.2004 and 30.09.2004.
2. Usha Nirmalkumar Joseph, Mother of the deceased, statement recorded on 31.07.2004.
3. Poonam Tejas Damania, Friend of deceased, statement recorded on 30.07.2004 ,04.08.2004, 30.09.2004 and 11.10.2004
4. Durga Gopan Bisai, House-help of deceased, statement recorded on 30.07.2004 , 09.08.2004 and 30.09.2004.
5. Kuljeet Gurubachan Singh Randhva, Friend of the deceased, Statement recorded on 05.08.2004 and 11.10.2004 .
6. Ramchandra Ojleshwar Mishra, Secretary of building of deceased, statement recorded on 30.07.2004 and 23.10.2004.

7. Harjit Harbanssingh Khanduja, Mother of Applicant, Statement recorded on 12.08.2004 and 23.10.2004.

8. Kishor David Rodrigues, Friend of the Applicant, Statement recorded on 03.08.2004 and 03.10.2004.

9. Parveen Kenneth Samuel, Friend of the Applicant, Statement recorded on 31.10.2004.

10. Chandramohan Amarnath Malhotra, Father of close friend (Poonam) of deceased, Statement recorded on 06.10.2004.

11. Gautam Harbans Khanduja, Applicant, Statement recorded on 31.07.2004 and 28.11.2004.

12. Ramnarayan Sitaram Verma, Watchmen of the residence building of deceased, Statement recorded on 30.07.2004.

13. Harbanssingh Khanduja, Father of Applicant, Statement recorded on 12.08.2004.

18. Clear picture emerging from perusal of above statements is that one day prior to the date of incident i.e. 28.07.2004, the mother of the deceased had come to Mumbai and met mother of the Applicant at their house in Bandra and in presence of everybody i.e. Applicant and his parents, the deceased and her mother, quarrel had taken place about the Applicant not supplying divorce-papers as promised and the deceased was very upset about it. It is also clearly emerging that thereafter deceased and his mother left the Applicant's house and went to the deceased's flat at Andheri. On the next day i.e. on the date of incident (29.07.2004), the mother of the deceased again met the Applicant in the morning at his residence at Bandra, where he was asked in the presence of his parents and sister, whether he wants to marry. He had refused. Thereafter, the mother of deceased left and came back to the deceased's flat at Andheri and called her friend Poonam to

come over. It appears clearly that friend Poonam visited the deceased's house where the deceased, deceased's mother and Poonam were together and deceased was not well, she had not eaten for couple of days, she was upset and she was refusing to go to the hospital unless Applicant comes and accompanies her. It further clearly appears that not showing divorce-papers despite promise, was the cause for quarrel and discord resulting in Applicant's refusal to marry. It also clearly appears that the date of marriage was fixed on 07.08.2004 which was just a week away and marriage-cards were printed and distributed. According to the statement of friend Poonam, deceased and her friends were shopping for marriage. In such circumstances, refusal to marry had hit the deceased. The deceased had the background of two earlier engagements broken, for one reason or the other. It appears that the deceased could not bear the humiliation she felt about the whole situation and the impending disrepute that would be brought upon the family and she had taken the extreme step.

19. Learned Senior Advocate for the Applicant has succinctly argued that it is not the perception of the person committing suicide but the intention of the accused that is required to be seen by the Court. There is no doubt about this proposition. However, whether the circumstances amount to any such intention and whether the Applicant's refusal to marry and non-supply of divorce-papers despite promise, amounts to such intention or immediate cause or indirect instigation or aid for the suicide, is something that can be decided only after trial on appreciation of evidence for the acid test of proof beyond reasonable doubt.

20. The arguments of the learned Senior Advocate, which are recorded above in detail, are certainly arguments that need to be

considered at the time of trial on appreciation of evidence. However, on overall consideration of the statements recorded of various persons, especially, deceased's mother and friends, about the proximate situation that led to the suicide, in my view, it cannot be conclusively said, at this stage, that ingredients of Section 306 r/w 107 of IPC are not made out. It is neither possible nor permissible to conduct 'mini trial' by considering the material in chargesheet for proof of guilt. It is also not possible to comment upon the evidentiary value and proof about guilt, at this stage.

21. Suffice it to observe, that there are sufficient grounds to proceed against the Applicant and there are circumstances requiring the trial to proceed. It is true that strong suspicion cannot take place of the proof, but that can only be decided at the stage of trial.

22. Also, this Court cannot lose sight of the fact that the scope of interference in revision, at the stage of discharge, does not permit this Court to sit as an Appellate Court and start appreciating evidence. It is settled principle of law that at the stage of considering discharge application, the Court must proceed on the assumption that material which has been brought on record is true and evaluate such material to determine whether the ingredients of the alleged offence exists. The revisional jurisdiction can be exercised only to correct manifest error of law or procedures which would cause injustice, if not corrected. In the facts and circumstances narrated above and on perusal of various statements, in my considered view, the learned Session's Judge has not committed any manifest error of law/procedure, causing injustice.

23. It does not appear from the statements that Applicant and deceased had not spoken with each other for last two days prior to the

death, as argued by learned Senior Advocate for the Applicant. The argument that 'considering the social background and previous broken relationships of the parties, mere refusal to marry or emotional distress or disappointment cannot amount to abetment' is a matter that can only be conclusively decided on appreciation of evidence at the time of trial.

24. It appears from the material available that parties knew each other's past including the past broken relationships of the deceased thereby making her sensitive and vulnerable to one more such incident. Whether the Applicant's refusal to marry and non-supply of divorce papers proved to be the 'last straw on the back of the camel' that broke it, will have to be decided at the time of trial. Similarly, the argument about temperamental issues and about deceased's habit of consuming 'Restyl' tablets and 'Benadryl' syrup to sleep and its effect will have to be considered at the time of trial.

25. The argument about the observations of the learned Single Judge in paragraph no.13 that there is no evidence about the conspiracy or intention to aid on the part of the Accused, must be read with what is stated by the learned Sessions Judge thereafter. The learned Sessions Judge has clearly held that the Court has to consider conduct on the part of the Applicant as to whether it amounts to instigation.

26. Now, let us consider the judgments relied upon by the learned Senior counsel for the Applicant one by one.

27. In **Satish Vs. State of Maharashtra (Supra)** and **Mahendra Vs. State of Maharashtra (Supra)**, the learned Single Judge of this Court was considering an appeal over conviction for the offence under Section 306 of IPC. Therefore, it is clear that the consideration in the said

judgment was after appreciation of evidence on the record at the time of trial, and not at the time of discharge. Hence, the said judgments will not help the Applicant.

28. In **Abhinav Mohan Delkar Vs. State of Maharashtra (Supra)**, the Hon'ble Supreme Court, was considering the exercise of powers under Section 482 of CrPC. In this respect, it is necessary to note that recently in **Mukesh and Ors. Vs. The State of Uttar Pradesh & Ors (Hon'ble Supreme Court, SLP (Crl.) No. 12354 of 2024)** the Hon'ble Supreme Court has observed as under. Therefore above judgments will not help the Applicant.

"8. It is true that the appellants can apply for discharge. However, the scope of application for discharge is completely different from the scope of a petition for quashing the criminal proceedings. While arguing a case for discharge, the appellants will not be in a position to rely upon any document which is not the part of charge-sheet. The ground of abuse of process of law will not be available while arguing discharge application. However, in a petition for quashing either under section 482 of the Code of Criminal Procedure, 1973 or under Article 226 of the Constitution of India, a wider challenge is available including a challenge on the ground of abuse of process of law. In such proceedings, the accused can rely upon documents which are not the part of the charge-sheet.

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(emphasis supplied)

29. Similarly, in the case in respect of **Sanju Vs. State of Madhya Pradesh (Supra)**.

30. In **Seema Ajay Bhoosreddy (Supra)** the learned Single Judge of this Court was considering the rejection of discharge application in revision. Facts in that case were that a medical student for the last year of B.D.S. course had committed suicide, allegedly due to 'scolding by one professor' and the 'other professor asking the student by way of punishment to repeat the college assignment'. In such peculiar factual backdrop, this Court found that the deceased student was hypersensitive to ordinary petulance, discord and differences which was part of day-to-day life. It was found that the student had lost confidence and she felt that she only spent parent's money. Having found such facts to exist, this Court had allowed the discharge application.

The facts of the present case are completely different and distinguishable. It cannot be disputed that the caselaw applies only in principle and that principle has to be applied to the facts and circumstances of individual case, on case to case basis.

31. In **Gangula Mohan Reddy (Supra)** and in **Kamaruddin Dastagir Sanadi (Supra)**, the Hon'ble Supreme Court was considering the case of suicide however the consideration was after the conviction in trial and after appreciation of evidence. Therefore, the said judgments will also not help the Applicant.

32. In the aforesaid facts and circumstances and reasons indicated above, in my considered view, this is not a fit case to interfere in the order passed by the learned Sessions Judge refusing to discharge the Applicant.

33. Criminal Revision Application is accordingly dismissed. Rule is discharged. Interim stay to trial, is vacated. Trial to proceed. No order as to costs.

34. At this stage, learned counsel for the Revision Applicant seeks continuation of interim stay for a period of 8 weeks. Considering that revision was pending for a long time with interim stay in favor of the Revision Applicant, interim stay to the Trial is continued only for a period of 6 weeks from today.

(M.M. SATHAYE, J.)