



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR
ON THE 20th OF JANUARY, 2025**

CRIMINAL APPEAL No. 14042 of 2024

AJAY

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Ashish Gupta- Advocate for the appellant.

Shri Bhuwan Deshmukh- G.A. for the State.

ORDER

- 1] They are heard. Perused the case diary / challan papers.
- 2] The appellant has preferred this criminal appeal under Section 14-A (2) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 (as amended by Act of 2015) (hereinafter referred to as the 'SC/ST Act'), against the order of framing charges dated 29.11.2024, passed in SCATR No.63/2024, passed by Special Judge (SC/ST Act), Barwani, District Barwani (MP), wherein, charges under Section 306 of the IPC and 3(2)(V) of the SC/ST Act have been framed against the appellant.
- 3] In brief, the facts of the case that the deceased Santosh Jadhav committed suicide on 11.06.2024, leaving behind a suicide note, in which he has alleged that the appellant and the other accused persons had lent him some loan, and the appellant in particular was taking Rs.16,000/- per month in interest, and as he was not able to the pay the interest, a cheque of



Rs.2,50,000/- was obtained from him, and as the cheque was dishonoured, a notice was also issued to him, in which it is also mentioned that if the amount is not paid within fifteen days' time, he shall face the judicial proceedings.

4] Shri Ashish Gupta, learned counsel for the appellant has submitted that even assuming the aforesaid suicide note to be true in its entirety, no case under Section 306 of the IPC is made out, as there is no abetment on the part of the appellant, and merely lending money to a person and demanding the same back from the said person cannot be termed as an abetment to commit suicide.

5] In support of his submissions, Shri Gupta has relied upon a decision rendered by the Supreme Court in the case of *Mahendra Awase Vs. State of M.P.*, passed in *Criminal Appeal No.221 of 2025*, paras 18, 19 and 20.

6] Shri Bhuwan Deshmukh, counsel for the respondent/State, on the other hand, has opposed the prayer, and it is submitted that it is not a case where interference at this stage is required, as not only in the suicide note the deceased has mentioned that he was being charged excessive interest per month, but in the statement of the wife of the deceased also (page 254), she has clearly stated that her husband had obtained money from the appellant, and despite repayment of the same, excessive interest was being charged even on the interest which remained to be paid, and thus it is submitted that no case for interference is made out. It is also submitted that CDR is also available, indicating that the deceased was being coerced by the appellant.

7] Heard counsel for the parties and perused the record.



8] From the record it is found that the FIR in the present case was lodged on 16.07.2024, in respect of the suicide committed by the deceased Santosh Bagri on 11.06.2024. In the suicide note which has been recovered from the pocket of the deceased it has been mentioned that he was giving Rs.16,000/- per month interest to the present appellant, and on account of his default in payment of the same, the appellant was pressurizing him, and a legal notice has also been issued to him in this behalf. The aforesaid suicide note is written in the handwriting of the deceased, which is also apparent from the handwriting expert's report. It is also found that the wife of the deceased, Ashabai has further elaborated the problems faced by the deceased, and she has stated that her husband had taken various amounts from various persons, including the present petitioner, and he had already returned back the money, but he was demanding additional amount by charging interest on interest.

9] It is true that the deceased has not mentioned the aforesaid facts in his suicide note, however, it is stated by him that he is continuously making payment of interest only, to the tune of Rs.16,000/- to the appellant Ajay Joshi, and in respect of the other accused persons also, he has stated that he is continuously making payment of interest to the other accused persons as well.

10] So far as the suicide note left by the deceased is concerned, the same reads as under:-

“मैं कर्ज से परेशान होकर आत्म हत्या कर रहा हूँ इसमें मेरे परिवार का कोई दोष नहीं है।

1. अजय जोशी को 16000 रु महिने का ब्याज दे रहा था पर महिने से ब्याज नही देने पर उन्होने मेरे उपर दबाव बनाकर 250000/- रु की लिखा पढी कर चैक बाउन्स कराकर वकील से मुझे नोटिस दिया गया जिससे 15 दिन में उक्त



रकम भुगतान करने को कहा गया है। अन्यथा आपकी न्यायालयीन कार्यवाही की जायेगी।

2. अमित शर्मा महाराज गली को 3000/- रु महिने का ब्याज दे रहा था उनको भी 5 महिने का ब्याज नहीं देने से उन्होंने भी चैक लगाने की धमकी मुझे कल दी है।

3 मनोज मराठे को 5 वर्ष से 3000/- रु महिने का ब्याज दे रहा था उनका 2-महिने से ब्याज नहीं देने पर उसने मेरी गाडी की कल चाबी छीनकर कहने लगा पैसे दे नहीं तो गुन्डो को बोलकर उठवा दूंगा

4 गोकुल राठोर नया बस स्टैंड पर दुकान है वह भी 10% ब्याज लेकर जान से मारने की धमकी दी।

अतः उन लोगो की धमकियो से तंग आकर मैं अपनी जान दे रहा हूँ। पुलिस से मेरा यही निवेदन है कि मेरे जाने के बाद यह लोग मेरे घरवालो को परेशान नहीं करे ”

11] It is also found that there is not only one suicide note, but it appears that prior to writing of the main suicide note, the deceased had also tried to write the same on an another page, which reads as under:-

“मैं कर्ज से परेशान होकर आत्म हत्या कर रहा हूँ इसमे मेरे परिवार का कोई दोष नहीं है।

अजय जोशी 16000 रु महिने ब्याज ले रहा था चार पाँच महिने से ब्याज नहीं दिया तो ब्याज जोड़कर दबाव बनाकर मुझसे 250000/- रु ”

12] In such circumstances, it is difficult for this Court to come to a conclusion that the deceased committed suicide only because he was served a legal notice by the appellant.

13] So far as the decision relied upon by the counsel for the appellant in the case of *Mahendra Awase (Supra)* is concerned, the same is distinguishable on facts, as it was not a case where the deceased was harassed by the loan mongers, whereas, in the present case, apparently, the deceased was continuously harassed by the petitioner by charging interest on interest.



14] In view of the same, this Court does not find it to be a fit case to interfere with the order of framing of charges.

15] The trial court shall proceed with the trial on the basis of the evidence on record only, without being influenced by the observations made hereinabove.

16] Accordingly, the appeal being devoid of merits, is hereby *dismissed*.

(SUBODH ABHYANKAR)
JUDGE

Bahar