



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRA-AS-5-2016

Date of decision: 18.11.2024

Ram Nath Chadha

....Appellant

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. APS Virk, Advocate for the appellant.

SUMEET GOEL, J. (Oral)

1. Present appeal is directed against the judgment dated 31.07.2015 passed by the learned Additional Sessions Judge, Pathankot, whereby respondent No.2 (herein) was acquitted from the charge under Section 306 of the IPC by granting him the benefit of doubt.
2. In the present appeal, the pertinent facts for adjudication are that the FIR No.09, dated 15.03.2014, was lodged against the accused-respondent No. 2, namely Davinder Singh S/o Kartar Singh, resident of village Chak Bhariyan, Tehsil and District Pathankot, under Section 306 of the Indian Penal Code (for brevity the 'IPC') at Police Station Sadar, Pathankot. The matter proceeded to trial before the Court of learned Additional Sessions Judge, Pathankot, which concluded its proceedings and, vide judgment dated 31.07.2015, acquitted the accused (respondent No.2 herein) of all the charges. The Court below held that the evidence brought on record by the prosecution does not meet the necessary standards laid-down under Section 306 of the IPC. Given the insufficiency of credible evidence, there is significant doubt regarding the involvement of the accused in the



alleged offence & hence he ought to be acquitted by giving him the benefit of doubt.

3. The appellant, aggrieved by the findings of the Court below, has now invoked the appellate jurisdiction of this Court, seeking re-examination of the findings as the same are based on alleged misappreciation of evidence and procedural irregularities. However, it is well-settled law that the scope in appeal is limited and does not entail a re-appreciation of evidence unless there is a manifest illegality or a serious miscarriage of justice.

4. In brief, the case of the prosecution, as detailed in the FIR, is that on 11.03.2014, Smt. Kamlesh Chadha (PW-2), mother of the deceased-Bhawna, submitted a complaint (Ex.P-6) to the Senior Superintendent of Police, Pathankot, requesting the registration of a case under Sections 302 and 306 of IPC against the husband of the deceased namely Davinder Singh (respondent No.2 herein), his parents Kanta Devi and Kartar Singh, his brother Nardev Rana and his sister-in-law Shubh Kumari. She alleged that her daughter was harassed by her in-laws, and her father-in-law had made inappropriate advances. Despite complaints of the deceased-Bhawna, her husband and her mother-in-law were unresponsive, compelling her to file a domestic violence case, which was dismissed due to the death of the advocate. A handwritten note from the deceased Bhawna described the mental and physical abuse she endured. On 04.02.2014, the deceased suffered severe burns and while hospitalized, the Judicial Magistrate could not record her statement due to her critical condition. Deceased-Bhawna succumbed to the burn injuries on 07.02.2014. The complainant alleged that



record her statement as the deceased was still alive. Furthermore, on 15.03.2014, SI Raj Kumar (PW-13) received DDR entry no.18 (EX.PW-7/G) and led an inquiry, where it emerged that Davinder Singh (respondent No.2 herein) frequently beat deceased-Bhawna, leading her to set herself on fire after an arguments. A formal FIR under Section 306 of the IPC was filed against the accused Davinder Singh (respondent No.2 herein). SI Raj Kumar (PW-13) continued investigation and continued collecting evidence from the house of the accused Davinder Singh (respondent No.2 herein), including burned items and photographs and documented the site. On 02.04.2014, the mother of the deceased i.e. complainant later moved an application dated 28.03.2014 (EX.P-5) before the SSP, Pathankot requesting for reinvestigation and seeking to add parents of respondent No.2-Davinder Singh and his brother as co-accused, but after further/detailed inquiry, these family members were found to be uninvolved. The investigation concluded with accused Davinder Singh being charged with abetting suicide of deceased Bhawna. On completion of necessary formalities, report under Section 173 of the Cr.P.C., 1973 was submitted before the Court of competent jurisdiction.

5. Learned counsel for the appellant has iterated that the Court below has erred in acquitting the accused-respondent No.2 and the impugned order is contrary to law, facts and evidence on record. Learned counsel has further iterated that the trial Court did not give sufficient consideration to the fact that deceased-Bhawana, had previously filed a complaint under the Prevention of Women from Domestic Violence Act, 2005. In the said complaint, she accused her husband (respondent No.2 herein) and his family



the deceased were duly supported by witness testimonies from her relatives, including her brother and parents. However, the trial Court dismissed this aspect without a solid justification. It has been further argued that the trial Court has dismissed the case under the Domestic Violence Act, asserting that the allegations in the complaint were influenced by legal advice and therefore needed to be proven. However, the Court below did not adequately consider that the complaint was filed by the deceased herself while she was still alive, clearly indicating that she faced harassment from her husband (respondent No.2 herein) and in-laws. It has been further submitted that the eyewitness account is supported by medical evidence provided by PW-9 i.e. Dr. Ratesh Jaswal of Ravi Hospital, Pathankot who testified that the deceased was admitted in the emergency with burn injuries covering 65-70% of her body. It has been further argued that the Court below ought to have considered these incriminating circumstances, yet the Court below has failed to properly appreciate them and acquitted the accused on flimsy grounds. It has been further argued that the prosecution has brought sufficient and cogent evidence on record to prove that the deceased she was being maltreated by the accused prior to her death. It has been further submitted that the statements of the material prosecution witnesses were consistent and credible, yet the Court below has failed to properly appreciate it and acquitted the accused on flimsy grounds. Learned counsel asserts that the Court below has dealt the matter in superficial manner without proper consideration of the evidence. Learned counsel has further canvassed that the Court below has wrongly acquitted the accused, despite there being sufficient evidence on record to establish his guilt and hence his

acquittal is not justified in light of the evidence presented.



6. At the outset, it is pertinent to mention herein that in adjudicating an appeal against an order of acquittal, the appellate court operates within a narrowly circumscribed framework. It is a settled legal principle that acquittal by a trial court carries a presumption of innocence, further strengthened by the trial court's findings. The appellate court is precluded from engaging in a wholesale reappreciation or reassessment of evidence unless the conclusions drawn by the trial court are patently perverse, unreasonable, or unsupported by the record. The principles governing the scope of interference by the High Court in an appeal against the judgment of acquittal, have been laid down by the Hon'ble Supreme Court in the judgment passed in the case titled as ***Babu Sahebagouda Rudragoudar and others versus State of Karnataka, 2024 INSC 320 = 2024(2) Law Herald (SC) 928*** held as under:

“39. Thus, it is beyond the pale of doubt that the scope of interference by an Appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:-

- (a) That the judgment of acquittal suffers from patent perversity;*
- (b) That the same is based on a misreading/omission to consider material evidence on record;*
- (c) That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.”*

Thus, the present appeal must be examined in context and after drawing guidance from the aforementioned principles.

7. The allegations in the present case relate to abetment of suicide as defined under Section 306 IPC. The law governing Section 306 of the IPC is well settled. Section 306 of the IPC reads as under:-



“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.”

Thus, the basic ingredients to constitute an offence under Section 306 of the IPC are suicidal death and abetment thereof. Abetment of a thing is defined under Section 107 of the IPC as under:-

*“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.”

7.1. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by the Supreme Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide. There should be evidence capable of suggesting that the accused intended by such act to



instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 IPC. The Hon'ble Supreme Court in ***Ude Singh & Others v. State of Haryana, (2019) 17 SCC 301***, held that in order to convict an accused under Section 306 of the IPC, the state of mind to commit a particular crime must be visible with regard to determining the culpability. It was observed as under:-

“16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behavior and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another; the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in



such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.”

7.2. Thus, it is to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their 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. A profitable reference in this regard can be made to a judgment passed by the Hon’ble Supreme Court in case titled as ***Nipun Aneja and others vs. State of Uttar Pradesh = Neutral Citation No.2024 INSC 767***, relevant whereof reads as under:

“21. The ingredients to constitute an offence under Section 306 of the IPC (abetment of suicide) would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option but to commit suicide. Further, as the extreme action of committing suicide is also on account of great disturbance to the psychological imbalance of the deceased such incitement can be divided into two broad categories. First, where the deceased is having sentimental ties or physical relations with the accused and the second category would be where the deceased is having relations with the accused in his or her official capacity. In the case of former category sometimes a normal quarrel or the hot exchange of words may result into immediate psychological imbalance, consequently creating a situation of depression, loss of charm in life and if the person is unable to control sentiments of expectations, it may give temptations to the person to commit suicide, e.g., when there is relation of husband and wife, mother



and son, brother and sister, sister and sister and other relations of such type, where sentimental tie is by blood or due to physical relations. In the case of second category the tie is on account of official relations, where the expectations would be to discharge the obligations as provided for such duty in law and to receive the considerations as provided in law. In normal circumstances, relationships by sentimental tie cannot be equated with the official relationship. The reason being different nature of conduct to maintain that relationship. The former category leaves more expectations, whereas in the latter category, by and large, the expectations and obligations are prescribed by law, rules, policies and regulations.

22. *The test that the Court should adopt in this type of cases is to make an endeavour to ascertain on the basis of the materials on record whether there is anything to indicate even prima facie that the accused intended the consequences of the act, i.e., suicide. Over a period of time, the trend of the courts is that such intention can be read into or gathered only after a full-fledged trial. The problem is that the courts just look into the factum of suicide and nothing more. We believe that such understanding on the part of the courts is wrong. It all depends on the nature of the offence & accusation. For example, whether the accused had the common intention under Section 34 of the IPC could be gathered only after a full-fledged trial on the basis of the depositions of the witnesses as regards the genesis of the occurrence, the manner of assault, the weapon used, the role played by the accused etc. However, in cases of abetment of suicide by and large the facts make things clear more particularly from the nature of the allegations itself. The Courts should know how to apply the correct principles of law governing abetment of suicide to the facts on record. It is the inability on the part of the courts to understand and apply the correct principles of law to the cases of abetment of suicide, which leads to unnecessary prosecutions. We do understand and appreciate the feelings and sentiments of the family members of the deceased and we cannot find any fault on their part if they decide to lodge a First Information Report with the police. However, it is ultimately for the police and the courts of law to look into the matter and see that the persons against whom allegations have been levelled are not unnecessarily harassed or they are not put to trial just for the sake of prosecuting them.”*

8. In the light of the above principles laid down by the Hon’ble Supreme Court, I have thoughtfully considered the arguments advanced on



behalf of the appellant, perused the entire case record and the judgment passed by the learned Court below.

9. While going through the records of the case, it appears that the prosecution has failed to satisfactorily discharge its burden of proof by presenting credible and reliable evidence or witnesses. It is a well-settled principle of law that the burden rests upon the prosecution to establish the guilt of the accused through cogent and convincing evidence, and any failure to do so entitles the accused to the benefit of doubt. The case put forth by the prosecution is riddled with material discrepancies, as discussed below, that substantially undermine its credibility and foundational strength.

10. At the outset it will be apposite to consider the main thrust of the prosecution case as revealed from the evidence on record for deciding the culpability of the accused in the incident in question. As per the case put forth by the prosecution, it was alleged that on 04.02.2014, PW-1 Ram Nath Chadha (father of the deceased) had received a telephonic call from the accused Davinder Singh (respondent No.2 herein) that his daughter (deceased) had set herself on fire by pouring kerosene on herself. She had suffered severe burn injuries and was admitted to Ravi Hospital, Pathankot. He alongwith his family arrived at the hospital around noon and seeing the critical condition of her daughter Bhawna (deceased), she was transferred to DMC Hospital, Ludhiana where she succumbed to the burn injuries on 07.02.2014. PW-1 Ram Nath Chadha, PW-2 Kamlesh Chadha (parents of the deceased) and PW-3 Bhuvesh Chadha (brother of the deceased), described the circumstances that led to suicide by the deceased and levelled allegations against accused Davinder Singh and his family members for abetting the commission of suicide by the deceased Bhawna. In order to

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establish the cause of death of deceased Bhawna, the prosecution examined three witnesses, firstly PW-9 Dr. Ritesh Jaiswal, Ravi Hospital, Pathankot, who testified that on 04.02.2014 at about 10:45 am, deceased Bhawana was admitted in emergency with burn injuries; secondly, PW-4 Dr. Bharti Tanwar, Daya Nand Medical College & Hospital, Ludhiana, who deposed that on 04.02.2014, the deceased Bhawna was brought with history of 80-85% burn with inhalational injury and shock. He further asserted that the deceased was under treatment and kept on ventilator support but she ultimately died on 07.02.2014 due to septicemia and inhalational injury due to burns, which was sufficient to cause death in ordinary course of nature, thirdly, PW-12 Dr. Bhupinder Singh, who brought the record pertaining to post-mortem examination of deceased Bhawna, which was got conducted at Civil Hospital, Pathankot by Dr. Sucha Ram.

10.1. While outlining the case of the prosecution, it appears that the first statement after the death of the deceased Bhawna was recorded on 08.02.2014 in which PW-1 Ram Nath Chadha, father of the deceased informed the Police that his daughter had died due to mental distress and he did not implicate anyone. The Police also recorded the statements of brother of the Bhawna and a joint statement from her relatives, who supported the statement as given by PW-1 Ram Nath Chadha. The allegations of abetment and instigation against the accused and his family surfaced on 11.03.2014, when Kamlesh Chadha (PW-2), mother of the deceased, filed a written complaint with the Senior Superintendent of Police, Pathankot, accusing the respondent No.2 and his family of abetting her daughter's death. During the trial, the prosecution presented testimony from PW-1 Ram Nath Chadha



and PW-3 Bhuvnesh Chadha (brother of the deceased), who detailed the circumstances leading to suicide by Bhawna by iterating that the accused (respondent No.2 herein) and his family were maltreating the deceased and pressurized her for dowry; her husband Davinder Singh (respondent No.2) is a habitual drunkard and used to beat the deceased under the influence of liquor. The facts and circumstances of the case indicate that the prosecution version has been significantly altered between 04.02.2014, when deceased Bhawna was hospitalized and 11.03.2014, when a formal complaint was filed. On 08.02.2014, the key/star prosecution witnesses initially stated to the Police that the deceased Bhawna had committed suicide due to mental distress and that no one was responsible. However, over a period of month after the death of the deceased Bhawna, these witnesses changed their statements and implicated the husband of the deceased and his family members, accusing them of abetting her suicide. Surprisingly, the key/star prosecution witnesses introduced a new version of events altogether within a month after their initial statements were made. The explanation furnished by these witnesses for the change of version is that their signatures were taken on the blank papers by the accused by claiming that they were taken for the receipt of the body of the deceased or due to language barriers. But the same were contradicted by other prosecution witnesses which raised serious doubts about the veracity of their claims. Those witnesses stated that the initial statements on 08.02.2014, were voluntarily given and signed to confirm their accuracy. However, no evidence has come on record which would suggest that the initial statements of these key witnesses were falsely recorded. Moreover, the mother of the deceased namely PW-2 Kamlesh



signatures but PW-7 ASI Satish Kumar affirmed that it was indeed signed by her and the other parties.

10.2. It was further the case of the prosecution that the maltreatment of the deceased was revealed to them only after 08.02.2014, when the documents pertaining to domestic violence or handwritten note of Bhawna were recovered. However, this claim is weakened as from the prior statements of the star witnesses namely Kamlesh Chadha (PW2) and Bhuvnesh Chadha (PW3), they alleged that the deceased Bhawna had narrated them the story of involvement of accused at Ravi Hospital on 04.02.2014. This inconsistency in the statements of the aforesaid star witnesses raised questions as to why they attributed the death of deceased Bhawna solely to mental distress on 08.02.2014, without mentioning any abuse by the accused or without fault of anybody and hence cast an adverse impact on the truthfulness of prosecution story.

10.3. Furthermore, the family of the deceased was very well aware of the alleged mistreatment prior to her death but they failed to disclose it initially and the later statements represent a significant shift in their narrative. These substantial alteration/discrepancies undermine the credibility of the case of the prosecution and it fails to meet the standard of proving the guilt beyond a reasonable doubt and casts a significant element of doubt regarding the alleged incident in question and potentially weakened the case of the prosecution. It is apt to mention herein that where more than one witness make similar assertions during the course of investigation on a particular point and uniformly improve upon the version in an identical manner, then it shows that the improvements are designed and purposeful.



purposefully and designedly made the improvements. Such designed and purposeful improvements not only undermines the credibility of such witnesses but shatter the whole foundation of prosecution story when the witnesses as well as the facts with respect to which improvement has been made, are material in nature. A witness must provide clear and convincing explanations for any changes or improvements made to its testimony. If it fails to justify such alterations, it raises questions about its reliability and truthfulness. Unexplained or unjustified changes may suggest fabrication, inconsistency, or an intent to mislead.

11. The argument put forth by the learned counsel for the appellant regarding the accused maltreating the deceased under the influence of liquor due to dowry demands lacks persuasive merit. While PW-1, PW-2 and PW-3 had testified before the trial Court that the accused was habitual drinker and subjected the deceased to cruelty under the influence of alcohol, there claims are not supported by substantial evidence. There is no prior record of any complaint against the accused Davinder Singh or his family members regarding this alleged excessive drinking or maltreatment of deceased Bhawna over dowry demands, nor there is any corroborating evidence to substantiate these allegations. The absence of any previous complaint or evidence concerning such behavior weakens the credibility of the allegations made by these key prosecution witnesses. Given the lack of complaints regarding the maltreatment, the recent claims appear to be unsubstantiated and raised question about their reliability and hence cannot be given due weightage. The cumulative evidence points to the improbability of the version of the prosecution and it can be safely inferred that the prosecution



maltreatment by the accused. In cases involving serious accusations like dowry harassment, it is essential to present credible evidence to support the claims. The fact that the deceased was a government teacher, an educated and financially independent woman, adds significant weight to the analysis of the case. It is highly improbable that someone in her position would silently endure prolonged abusive behavior without either reporting the matter to authorities or taking some definitive action. Her status as an educated professional suggests that she would likely be aware of her rights and the available legal remedies to address such issues, making the absence of any prior complaint or documentation of the alleged maltreatment particularly striking. This lack of action or record raises questions about the credibility of the prosecution's case. It becomes essential for the prosecution to provide substantial evidence to substantiate the allegations of dowry harassment and maltreatment by the accused. Mere oral testimonies, without corroborating material or circumstantial evidence, fail to inspire confidence in the prosecution's claims. The prosecution bears the responsibility of proving the allegations beyond a reasonable doubt, ensuring that the evidence presented is both credible and consistent.

12. The allegations with regard to giving of Rs.2.00 lacs to the accused in order to purchase the car as also the demand of jeep remains unsubstantiated as the prosecution has miserably failed to lead any cogent evidence in this regard and hence it can safely be inferred that the deceased was not maltreated or pressurized on account of such demands.

13. The prosecution heavily emphasized on an application filed by the deceased Bhawna under the Protection of Women from Domestic



(respondent No.2 herein) and his family of indulging in domestic violence and specifically alleging that her father-in-law made inappropriate advances towards her. However, the accused and his family members had denied these claims in their response. As per the legal principles, the allegations in the pleadings need to be substantiated with coherent and consistent evidence & unverified claims alone are insufficient for a criminal conviction.

14. The reliance by the prosecution on the purported handwritten note allegedly written by deceased Bhawna wherein she levelled allegations against her husband and other family members of maltreatment remained unsubstantiated before the Court below as no efforts were made to verify the handwriting of the deceased.

15. The glaring inconsistency of the key prosecution witnesses directly impacts the credibility and the case of the prosecution. Such discrepancies cannot be lightly overlooked as they strike at the very root of the prosecution's narrative and reliability of the evidence presented. In criminal jurisprudence, where the burden of proof lies squarely on the prosecution to establish the guilt beyond the reasonable doubt, the contradicting/conflicting statement of star prosecution witnesses significantly undermine the ability of the prosecution to prove the charges conclusively and potentially warranting an acquittal of the accused by giving him the benefit of doubt. Moreover, there is no reasonable explanation forthcoming either from the evidence produced by the prosecution or records of the case or from the averments made in the present appeal, on the aspect of alterations/contradictions.

16. It is a well established principle in criminal jurisprudence that



establish the guilt of the accused beyond reasonable doubt. Any failure to meet this standard, particularly when key evidence is either missing or questionable, entitled the accused to the benefit of doubt. It has been consistently held that suspicion, however grave, cannot substitute for proof, and where there exists any reasonable doubt, the benefit of such doubt must be given to the accused and he must be acquitted in accordance with law. In light of the above discussed discrepancies and inconsistencies, it can safely be inferred that the case put forth by the prosecution is false and there is no evidence of the alleged incident as projected by the complainant. Where the prosecution has failed to substantiate its case beyond reasonable doubt, as has happened in the case in hand, the defence, if any, raised/pleaded by the accused recedes into the background and rather becomes immaterial.

17. The legal framework under Section 306 IPC mandates that to sustain a conviction for abetment of suicide, the prosecution must establish beyond a reasonable doubt that the accused played a direct and active role in instigating, provoking, or compelling the deceased to take their own life. The evidence must clearly demonstrate that the accused engaged in specific, overt acts of incitement or provided such alarming encouragement that the deceased was left with no reasonable alternative but to commit suicide. This legal standard underscores the necessity of proving a proximate and unambiguous connection between the conduct of the accused and the decision of the deceased to end their life. In the present case, as detailed in the preceding discussion, the prosecution has utterly failed to satisfy this burden of proof. The evidence on record does not establish any clear or cogent link between the accused's actions and the deceased's decision to



substantive proof of instigation or a direct nexus, are insufficient to sustain a charge under Section 306 IPC. Thus, the prosecution's inability to demonstrate any act of incitement or compelling conduct by the accused renders its case untenable, and the charge of abetment of suicide cannot be sustained in law. However, as has been noted by the learned Additional Sessions Judge, while passing the judgment of acquittal, in concluding para of the judgment held that the prosecution falls short of the requirement under Sections 306 of IPC and hence the accused is entitled to benefit of doubt and acquittal. In the instant case, the prosecution has miserably failed to discharge its liability.

18. In the facts and circumstances of the entire case coupled with the presence of multiple lacunae as also inconsistencies in the case, the learned Additional Sessions Judge, rightly arrived at the conclusion that the story put forth by the prosecution was untrustworthy and the allegations raised lack substance.

19. The facts of the case clearly narrate that the prosecution has tried to conceal the real genesis of the case. However, the Court below has meticulously and judiciously examined the matter, appreciating the facts and evidence in their proper context. The Court below has rightly discerned the attempt of the prosecution to distort the narrative and has delivered the findings based on thorough evaluation of the material on record.

20. Perusal of the impugned judgment of acquittal passed by the Court below shows that the entire evidence led by the prosecution has been gone through in detail and in a painstaking manner and has dealt with each and every aspect of the case in a pragmatic manner. The judgment of



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perversity. As such, the judgment of acquittal dated 31.07.2015 passed by the learned Additional Sessions Judge, Pathankot, is upheld. Resultantly, the present appeal, being bereft of merits, fails and is dismissed.

21. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 18, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No