

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Miscellaneous Petition No.34 of 2013**

Sunderlal Trivendra, S/o Late Kapurchand Trivendra, aged about 60 years, R/o Village Bhelwadih, Police Station Abhanpur, Post Office Abhanpur, District Raipur (Chhattisgarh) (**Complainant**)

---- Appellant

Versus

1. State of Chhattisgarh through the District Magistrate, Raipur, District Raipur (Chhattisgarh)
2. Beniram Baghel, S/o Mansharam Baghel, aged about 24 years, R/o Village Bhelwadih, Police Station Abhanpur, Post Office Abhanpur, District Raipur (Chhattisgarh) (**Accused**)

---- Respondents

For Appellant	: Shri Shivendu Pandya, Advocate
For Respondent No.1/State	: Shri Ravindra Agrawal, Panel Lawyer
For Respondent No.2	: None

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order on Board****Per Navin Sinha, Chief Justice****3/8/2015**

1. The present application has been filed for leave to appeal against acquittal dated 29-9-2012 in Sessions Trial No.44/2012 by the Second Additional Sessions Judge, Raipur of the charge under Sections 306 and 376 of the Indian Penal Code.

2. Learned Counsel for the Appellant submitted that the victim was a student of B.A. Final Year. She surrendered herself physically to the accused on his promise to marry her, but he subsequently resciled from the same. The acquittal was not justified.

3. We have considered the submissions.

4. From the judgment under appeal it does not appear that there was any act committed by Respondent No.2 in proximity of time to qualify as abetment of suicide to attract Section 306 of the IPC. The victim was not a minor girl, but an adult. It does not appear that any specific

evidence was led with regard to her surrendering herself physically pursuant to any promise and/or assurance for marriage.

5. The Trial Judge has opined that it was a case of circumstantial evidence as no one had seen the deceased committing suicide by hanging. Even the last seen theory could not be invoked in view of the prosecution witnesses including her parents going hostile on the issue whether the deceased had left home with Respondent No.2.

6. We find no merit in this application for grant of leave to appeal. The application is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE