

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

CRIMINAL REVISION CASE No. 2169 of 2013

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ORDER:

This Criminal Revision Case arises out of the order dated 17.07.2013 in CrI.M.P.No.63 of 2011 in S.C.No.353 of 2011 passed by the I Additional Senior Civil Judge, Warangal, whereby and whereunder, the learned Judge has dismissed the petition filed by the petitioner/Accused under Section 227 of Cr.P.C., to discharge him from the charge under Section 306 of IPC.

The facts, in brief, are as under:

2. As per the charge sheet, the petitioner/Accused is having a mango garden in the outskirts of Gavicherla village. Earlier, the deceased worked as a Watchman in the said mango garden and about four months prior to the incident occurred on 22.01.2011, the deceased discontinued the work due to missing of a crow bar in the garden. Thereafter, the deceased was earning his livelihood by doing coolie work. It is alleged that on 19.01.2011, the deceased visited Warangal on his personal work, where the petitioner/Accused met him and threatened him that he would kill him alleging that the deceased has stolen away his crow bar and broken the filter pipes and due to such harassment, the deceased felt humiliated and attempted to commit suicide by hanging, but was rescued by the intervention of LWs.1 and 2. But, the deceased continued to suffer mentally due to the accusation made against him by the petitioner/Accused and on 22.01.2011 at about 03.00 hours, the deceased consumed Endosulphan insecticide poison in his house, immediately he was shifted to MGM Hospital, Warangal, and while undergoing treatment, the deceased died at about 10.00 hours in the said Hospital.

3. The contention of the learned counsel for the petitioner/Accused is that by no stretch of imagination, the alleged act, even if accepted to be true, on its face value, attract the offence alleged, inasmuch as the deceased would not have committed suicide for the accusation said to have been made by the

petitioner/Accused on 19.01.2011 and that the deceased will be physically harmed for the alleged theft and three days thereafter the deceased would not have committed suicide and even if that is true, that act do not amount to abetment to commit suicide. Excepting this allegation, there is nothing on record to show that the petitioner/Accused has caused anything or connected with the unfortunate incident of the deceased committing suicide.

4. A perusal of the charge sheet shows that the allegations are that unable to bear the accusation made by the petitioner/Accused, with whom the deceased was working as watchman sometime in the past, that he has committed theft of a crow bar and the deceased is said to have been insulted and committed suicide. As to what was the nature of abetment and whether that was sufficient to attract the penal provisions under Section 306 IPC, are the questions that are to be adjudicated only after the evidence of the prosecution witnesses is recorded.

5. *Prima facie*, a perusal of the charge sheet shows that there is sufficient material for proceeding against the petitioner/Accused and it cannot be said that there are absolutely no grounds to frame such charge against the petitioner/Accused to proceed with the trial. The evidence of the proposed prosecution witnesses cannot be dealt with, in detail, at this stage. During the course of trial, the truth or otherwise will come out. The Court below had considered all these aspects and has rightly refused to discharge the petitioner/Accused for the said offence.

6. For the aforesaid reasons, there are no merits in this Criminal Revision Case and the same is liable to be dismissed and it is accordingly dismissed. However, the learned I Additional Senior Civil Judge, Warangal, is directed to dispose of S.C.No.353 of 2011 as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order, uninfluenced by any of the observations made hereinabove. As a sequel, miscellaneous petitions, if any, pending in this Criminal Revision Case shall stand closed.

JUSTICE M.S.K. JAISWAL

24.11.2015.

Msr

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