

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

Criminal Revision Case No. 986 of 2012

Order:

This Criminal Revision Case is directed against the orders, dated 15.05.2012, passed in CrI.MP No. 17 of 2012 in SC No.318 of 2011 by the VII Additional District and Sessions Judge (FTC), Vijayawada, whereby and whereunder the discharge petition, filed by the petitioners/A1 to A6, under Section 227 Cr.P.C., was dismissed.

2. Heard the learned counsel for the petitioners/A1 to A6 and the learned Additional Public Prosecutor for the State and perused the material on record.

3. The allegations, in brief, are as under. The *de facto* complainant Nurjahan Sulthana had a son by name Mohd. Ali Abbas. The said Mohd. Ali Abbas developed love towards the petitioner/A1 namely Tasneem. The petitioners/A2 and A3 are the parents of the petitioner/A1 and the petitioners/A4 to A6 are the friends of the petitioner/A2. Certain disputes used to take place in between them and it appears that police cases were also filed against one another. However, the main allegation is that on 08.01.2010 at about 5.30 PM the *de facto* complainant, who is the mother of the deceased Mohd. Ali Abbas and who incidentally working as Mahila Police Constable in Vijayawada Police Commissionarate, lodged a complaint alleging that her son Mohd. Ali Abbas informed her through phone that in view of failure of his love with the petitioner/A1 he vexed with his life and he was committing suicide and thereafter his telephone was switched off. On the next day, the body of the deceased was found in the Canal. It is alleged that on the instigation of the petitioners/A1 to A6 the deceased committed suicide and, therefore, the petitioners/A1 to A6 are liable for punishment under Section 306 IPC.

4. Learned counsel for the petitioners/A1 to A6 submitted that even though the entire material on record is read and accepted to be true, but the same do not in any way

attract the offence punishable under Section 306 IPC and, absolutely, no ingredients of the offence constituting the abetment to commit suicide are made out against the petitioners/A1 to A6.

5. It is also placed on record that the deceased boy was suffering from mental ailment and, as a matter of fact, he was treated as inpatient in Spandana Psychiatry Hospital, Suryaraopet, Vijayawada, under Dr. P. Krishna Mohan from 28.12.2009 to 02.01.2010 and the Doctor certified that the deceased Mohd. Ali Abbas was suffering from adjustment disorder with disturbance of conduct and that six days after his discharge from the hospital, the deceased boy committed suicide.

6. A perusal of the entire material shows that except the fact that the deceased boy was having a love affair with the petitioner/A1, absolutely, there is nothing to even remotely connect the petitioners/A1 to A6 with the unfortunate suicide committed by the deceased. In that view of the matter, the material on record is not sufficient to proceed against the petitioners/A1 to A6. It is a fit case where the petitioners/A1 to A6 can be discharged from the offence alleged against them. The learned Sessions Judge has not appreciated the material on record in proper perspective and erroneously dismissed the discharge application filed by the petitioners/A1 to A6. Hence, the impugned order is liable to be set aside and the petitioners/A1 to A6 can be discharged from the offence alleged against them.

7. Accordingly, the Criminal Revision Case is allowed and the impugned order, dated 15.05.2012, passed in CrI.MP No. 17 of 2012 in SC No.318 of 2011 by the VII Additional District and Sessions Judge (FTC), Vijayawada, is set aside. Consequently, the petitioners/A1 to A6 are discharged under Section 227 Cr.P.C. from the offence punishable under Section 306 IPC in SC No.318 of 2011 on the file of the VII Additional District and Sessions Judge (FTC), Vijayawada.

8. As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Revision Case shall stand closed.

M.S.K. JAISWAL, J.

Date: 01.10.2015

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