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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-3128-SB-2014

Date of Decision : November 2nd, 2015

Makhan Singh

.... Petitioner

Versus

State of Punjab etc.

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present Mr. R.K.Girdhar, Advocate,
for the appellant.

SHEKHER DHAWAN, J.

Present appeal by the complainant is directed against the judgment dated 4.7.2014 passed by learned Sessions Judge, Sri Muktsar Sahib, whereby, respondents No. 2 to 4 have been acquitted of the charge.

Learned counsel for the appellant mainly submitted that the trial Judge failed to appreciate that there cannot be any direct evidence in cases under Section 306 IPC and has drawn inference only on the basis of circumstantial evidence. Gurmeet Singh had committed suicide after he was given beatings by the accused publically and being insulted in front of the public, he consumed some poisonous substance which resulted into his death.

Having considered the submission made by learned counsel for

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the appellant, this Court is of the considered view that learned trial Judge discussed all these aspects in detail that it was an alleged act of beating on a single occasion. That does not constitute 'instigation'. On this point, reliance was also placed on the decision of Hon`ble Supreme Court in **Ramesh Kumar Vs. State of Chhatisgarh, 2001 [4] RCR [Criminal] 537**. Moreso, the offence of abetment by instigation depends upon the intention of the person who abets and not upon the act done by the person who is abetted. There was no *mens-rea* on the part of the accused persons to commit the offence whereas, Section 306 IPC requires positive act on the part of the accused.

No other point has been raised.

In view of the above, the present appeal is without any merit and same stands dismissed *in limine*.

**(SHEKHER DHAWAN)
JUDGE**

November 2nd, 2015
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