

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL MISC. PETITION NO. 357 OF 2016

1. Smt. Madhuri Vaishnava, W/o Tulsi, aged 37 years, R/o Tarod, Thana Akaltara, District Janjgir-Champa (C.G.)
2. Tulsi Vaishnava, S/o Komal Das, aged 39 years, R/o Village Tarod, Thana Akaltara, District Janjgir-Champa (C.G.)

... Applicants

Versus

1. Rameshwar Sahu, S/o Behoran Sahu, aged 24 years, R/o Tarod, Thana Akaltara, District Janjgir-Champa (C.G.)
2. Rakesh Singh, S/o Kranti Kumar, aged 29 years, R/o Tarod, Thana Akaltara, District Janjgir-Champa (C.G.)
3. State of C.G., through Station Officer Akaltara, District Janjgir-Champa (C.G.)

... Respondents

For Applicants	:	Mr. Kishore Bharat, Advocate.
For Respondent-State	:	Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per NAVIN SINHA, C.J.

05/04/2016

1. The present application has been filed for leave to appeal assailing acquittal of the Respondents dated 30.1.2016 by the Sessions Judge, Janjgir-Champa, in Sessions Trial No. 180 of 2013, of the charge under Section 305 IPC.
2. Learned Counsel for the Applicants submits that the deceased was below 18 years of age. He had taken a loan of Rs.700 from the Respondents. The Respondents were demanding return of Rs.1500/- in lieu thereof and for inability to pay they were demanding Rs.50/- extra for each days delay. In order to coerce the deceased to pay them, they had entered his house, indulged in assault and even threatened to take bricks and other construction materials lying in front of his house. It was

in these circumstances that the deceased was forced to commit suicide and which he also reiterated in his dying declaration after he set himself on fire.

3. We have considered the submissions on behalf of the Applicants.

4. Section 305 IPC provides it to be an offence if a person abets another below 18 years of age to commit suicide. Abetment is defined in Section 107 IPC rightly noticed by the learned Trial Judge. An abettor has been defined in Section 108 IPC. Reading the two Sections together it requires an act on part of an accused which has a consequential result by virtue of that act in another committing suicide but for which act the another may not have committed suicide. In the present case, the learned Trial Judge has held that the loan was not in dispute. The Respondents were demanding return with interest and because of delay in payment they were levying the extra charges. We are of the considered opinion that if the deceased was unable to repay his debt and under pressure of the same opted to eliminate himself in order to get rid of his responsibility to repay the loan itself, it was indeed unfortunate but will not attract any offence under Section 305 IPC. It is apparent from the evidence discussed by the Trial Judge that there is no evidence whatsoever to invoke Section 107 or 108 IPC against the Respondents.

5. We are therefore not inclined to grant leave to appeal.

6. The application for leave to appeal is dismissed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge