

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 73 of 2017**

- Dheersingh S/o Shri Laxman Singh Aged About 55 Years R/o Village- Dharampur, Thana- Baikunthpur, Civil & Revenue District- Korea, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through District Magistrate Baikunthpur, District Korea, Chhattisgarh.
2. Manoj Kumar Kewat S/o Shri Lalbahadur Aged About 28 Years R/o Village- Dewandibandh Patelpara, Thana- Baikunthpur, Civil & Revenue District Korea, Chhattisgarh.

---- Respondents

For Petitioner
For State

Mr. Sumit Shrivastava, Advocate
Mr. O.P. Sahu, Government Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****18.01.2017**

1. The present Cr.M.P. has been preferred challenging the judgment of acquittal dated 22.11.2016 passed by the Special Judge (Scheduled Caste and Scheduled Tribe Prevention of Atrocities) Act 1989, Baikunthpur in Special Sessions Case No. 15/2016.
2. The brief fact of the case is that the deceased in the instant case namely Phulmati Shandilya committed suicide hanging herself on 27.01.2016. Later on, on the basis of statements which were recorded during the course of the investigation, an F.I.R. was lodged and Respondent No. 2 was made accused for the offence under Section 306 of the IPC. The Respondent was made accused for the reason that immediately before the

fateful day it was the Respondent accused who was said to have seen with the deceased and on the basis of which he has been implicated in the instant case. In all, the prosecution examined as many as 8 witnesses and there was no witness examined on behalf of the defence. From the evidence which have come on record the trial Court vide its judgment dated 22.11.2016 passed the impugned judgment acquitting Respondent No. 2 from the charges which were levelled against him. It is this judgment of acquittal which has been sought to be assailed in the present Cr.M.P. by the present Petitioner.

3. Referring to the document it reflects that the Petitioner has not been able to show any strong ground seeking for interference with the judgment of acquittal. It is settled position of law that for bringing home offence under Section 306 IPC necessary ingredients of abetment as defined under section 107 of the IPC has to be met. All the 8 witnesses who have been examined before the Court below do not bring any allegation or any indication of incitement or abetment or conspiracy at the hands of the Respondent accused which had forced the deceased to take the extreme step of ending her life by committing suicide. Learned Counsel for the Petitioner though made allegation that it was the Respondent accused who was last seen with the deceased and there was also an allegation that the Respondent accused used abusive language against the deceased and is also said to have slapped her before the incident took place, but there was on such evidence.
4. Further the only piece of evidence in this regard is the statement of PW-3, Purnima Singh, a class 10th student who in her statement has stated that on 27.01.2016 when the deceased was about to catch bus to the college the Respondent accused is said to have slapped her a couple of times asking her why she went alone to Baikunthpur on 26.01.2017 i.e. the

previous day. This solitary incident by itself can not be brought under the ambit of abetment as defined under Section 107 of the IPC.

5. In the absence of any strong evidence of abetment the offence under Section 306 of the IPC would not be made out. In the given factual matrix of the case this Court is of the opinion that finding given by the Court below acquitting the Respondent accused can not be said to be either illegal or in any manner infirm.
6. Accordingly, this Court does not find any strong case made out granting leave to appeal.
7. The present Cr.M.P. being devoid of merits stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE