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HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 495 of 2017**

1. Sunita Yadav W/o Ravi Yadav, Aged About 44 Years R/o Village Khamhriya, Police Station Utai, Tahsil And District- Durg, Chhattisgarh.
2. Ravi Yadav S/o Late Punu Ram Yadav Aged About 47 Years R/o Village Khamhariya, Police Station Utai, Tahsil And District- Durg, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The District Magistrate, Durg, District- Durg, Chhattisgarh
2. Superintendent Of Police Durg, District- Durg, Chhattisgarh.
3. Station House Officer, Police Station Utai, District- Durg, Chhattisgarh.
4. Uttarlal, S/o Jivrakhan Patel Aged About 56 Years R/o Village Khamhariya, Police Station Utai, Tahsil And District- Durg, Chhattisgarh
5. Smt. Bilas Bai W/o Uttarlal Patel Aged About 52 Years R/o Village Khamhariya, Police Station Utai, Tahsil And District- Durg, Chhattisgarh
6. Kuleshwar @ Golu, S/o Uttar Lal Patel, Aged About 26 Years R/o Village Khamhariya, Police Station Utai, Tahsil And District- Durg, Chhattisgarh

---- Respondents

For the Petitioner	: Shri Praveen Dhurandhar, Advocate.
For the respondent/ State	: Shri Ashish Shukla, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.07.2017**

1. Heard.
2. This petition has been brought by the petitioner under Section 482 of the Code of Criminal Procedure with a prayer to set aside the impugned order dated 19.9.2014 passed by the Additional Sessions Judge, Durg, Chhattisgarh in Sessions Trial No. 123 of 2014 discharging the accused

persons from the offence under Section 306 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that on 21.5.2014 at about 8:30 pm the private respondents were beating deceased Amit Kumar Yadav. Petitioner No.2 - Ravi Yadav, father of the deceased intervened and took his son from the place of incident. Thereafter, petitioner No.1 – Sunita Yadav and the deceased both went to the private respondents for enquiring the reason behind the incident, at which private respondents again gave beating to the deceased. Subsequent to this incident, deceased went inside the room of his house and after bolting the door committed suicide by hanging himself. Police Station Utai has conducted the investigation in this case and charge-sheeted the private respondents for trial of offence under Section 306/ 34 of the Indian Penal Code. Learned counsel further submits that the trial Court has, by the impugned order, discharged the private respondents/ accused persons from the offence under Section 306 of the IPC and has framed charges against them only under Section 323/ 34 of the IPC and remanded the case for trial before the Chief Judicial Magistrate, Durg.

4. Learned counsel for the petitioner submits that the material on the charge-sheet clearly indicates that the suicide of the deceased was abetted by the private respondents in this case. The postmortem report and the photographs of the dead-body of the deceased disclose the injuries caused on his body. Hence, it was a fit case where the private respondents should have been charged with offence under Section 306 of the IPC.

5. Learned State counsel and Respondents No.1 to 3 opposed the petition and submitted that it is not a fit case for admission.

6. Perused the documents submitted. It is clear from the statement in the charge-sheet and other documents submitted by the petitioners that there is evidence against the private respondents to this effect that they were assaulting and beating the deceased in presence of the petitioners. The private respondents were not present on the spot when the deceased locked himself inside the room and hanged himself. Hence, the act for which the private respondents can be held responsible is only the offence of causing injuries to the deceased. The ingredients of Section 107 of the IPC are not made out in this case. Neither there is evidence of instigation nor of any conspiracy or any evidence of intentional aid given by the respondents/ accused persons at the time when the deceased committed suicide.

7. This is an unfortunate incident in which the deceased felt insulted, anguished and harassed because of incident in which he was assaulted. Hence, it can be considered that the assault and beating given by the private respondents was the reason that the deceased could not cope up with and committed suicide. The IPC does not provide for any penal provision in which the reason for committing suicide is brought into the ambit of any penal provision. In case of abetment for suicide there is requirement of specific evidence as per the provision of Section 107 of the IPC which seems to be absent in this case. Hence, for these reasons it is found that this petition has no substance and it is dismissed at the motion stage.

Sd/-

(Rajendra Chandra Singh Samant)
Judge