

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S No.1863-SB of 2014
Date of Decision : 17.01.2017**

Krishna Devi

.....Appellant(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. S.S. Mor, Advocate
for the appellant.

FATEH DEEP SINGH, J. (ORAL)

This appeal in terms of Section 378 (4) of the Code of Criminal Procedure is aimed against judgment dated 20th March, 2014 of the Court of learned Sessions Judge, Jind whereby a criminal case got registered by way of FIR No.252 dated 30th March, 2013 at Police Station City Jind under Sections 306 IPC against present respondent No.2-Kiran Rani, was decided against the prosecution and she was acquitted of the charges so framed. Complainant-Krishna Devi has sought to assail it through the instant appeal.

Heard Mr. S.S. Mor, Advocate for the appellant and perused the records of the case.

As has contended and is well reflected from the records of the case, a statement was made on 30th March, 2013 by the complainant before Sub Inspector Hukam Singh that Jagbir Singh-deceased had died and his dead body was lying in a room bolted from inside. After necessary formalities investigations were set into motion and on completion of

investigations, initially the case which was got registered under Section 302 IPC as well, this section was deleted and Section 306 IPC was added.

The learned trial Court vide orders dated 15th June, 2013 framed charges under Section 306 IPC against the accused, to which she had not pleaded guilty and faced the trial.

The prosecution examined PW1/complainant-Krishna Devi, PW2-Ram Kumar, PW3-Dr. Sunil Chataula, PW4-Draftsman Kuldeep Gupta, PW5-Inspector/SHO Kaptan Singh, PW6-Photographer Harish Kumar, PW7-ASI Vinod Kumar, PW8- Constable Joginder Singh, PW9-Sub Inspector Hukam Singh and PW10-ASI Birbal Singh. It is by no means displaced by counsel for the appellant that PW1-Krishna Devi, happens to be the mother of deceased-Jagbir Singh and is also the complainant with whom the deceased was residing and carrying on avocation of a painter. It is also well accepted that the deceased was married to one-Kiran Devi, the accused in this case and it was on 29th March, 2013 around 7.30 am, she received information that her son deceased-Jagbir Singh has consumed some poisonous substance and that is how the needle of suspicion was pointed out at the accused. No doubt, the medical evidence has been testified by PW3 by way of his affidavit Ex.PD and in the process, the prosecution has proved the documents by way of postmortem report Ex.PE, police request Ex.PF, order of RMO Ex.PF/1, inquest report Ex.PG, articles of the dead body i.e. Pant Ex.P1, underwear Ex.P2, pieces of rope/chunni by which the deceased is alleged to have hung himself Exs.P3 and P4 and police request Ex.PH and and medical opinion as to the cause of the death

Ex.P1. It is irrefutably established that the deceased has died as a consequence of hanging and, thus, the only point of decision is if the accused had contributed to the abetment to suicide by the deceased.

The very impugned judgment shows due appreciation of the evidence as well as application of mind by the Courts below which has harbored on the contradictory initial stands of the complainant, as initially the complainant has taken the stand that her son was murdered and, thereafter, was hanged but subsequently, had adopted the recourse of theory of abetment to suicide. She admittedly, is not an eye-witness to this episode nor there is any averment that the deceased had confided in her of the circumstances or instigation by the accused leading to this abetment resulting in suicide. The very wording of abetment to suicide as defined in Section 306 IPC shows it to be abetting a person to commit such an offence and, therefore, suicide is killing by oneself of oneself. The term 'abetment' under Section 107 of the Indian Penal Code defines how or in what manner there could be an instigation, conspiracy or aiding or illegally omitting from doing something which would tantamount to pushing a person to take such a step towards his death. To the very query of the Court, the counsel for the appellant could not convince how there has been an instigation goading by the accused forcing her husband to take recourse to such a step.

Though mere wordings may not be sufficient but circumstances to commit such an act by the deceased could also throw light on the manner how the accused contributed to this act. A mere disaccord in the matrimony, depression or hyper-sensitivity to the things in one's life, though

may be sufficient to force a person to commit suicide does not necessarily embrace in itself an offence of abetment to suicide. Though there is no hard and fast rule to give a definite compass to categorize such an act but there ought to be an element which satisfies the Court beyond shadow of reasonable doubt that it was none but the accused, who forced the deceased to take such a strong step.

The learned counsel for the appellant could not bring-forth before this Court any piece of evidence which could in any manner bring about this role to the accused. Mere insinuations by the complainant that people of ill-repute used to visit the accused which led to this unsavory incident, is not itself sufficient to bring offence of abetment and rather is all the more damaging for earlier stand taken before the police at different points of time. Apparently, by her own stand the complainant was not having cordial relations with the accused which led to deceased and accused residing separate from her, are matters which establish what is at the back of these false allegations. The trial Court has rightly appreciated in correct perspective the evidence oral as well as documentary on the records and has come to right conclusion legally justifiable which impels this Court not to show any indulgence, thus, upholding the impugned judgment and finding no merits, the present application by way of leave to appeal stands dismissed and consequently the appeal as well.

(FATEH DEEP SINGH)
JUDGE

January 17, 2017

Dpr

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No