

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Misc. Petition No.541 of 2018**

State Of Chhattisgarh, Through Police Station Sarangarh, Distt.  
Raigarh Chhattisgarh

---- **Petitioner****Versus**

1. Karan @ Thandaram Kurre, S/o. Duleshwar Kurre, aged about 25 years,
  2. Nanki Bai, W/o. Duleshwar Kurre, aged about 49 years,
- Both are R/o. Village Khudubhantha, Police Station Sarangarh,  
Distt. Raigarh

---- **Respondents**

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 For the Petitioner/State : Shri Lav Sharma, Panel Lawyer  
 For the respondent : Shri Sanjay Pathak, Advocate  
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**Hon'ble Shri Justice Ram Prasanna Sharma**  
**Order On Board**

**12.10.2018.**

1. Heard on IA No.01/17 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 60 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This appeal has been preferred against judgment of acquittal dated 28.9.2017 passed by Additional Sessions Judge, Sarangarh, Distt. Raigarh (CG) in Session Trial No.02/2017 wherein the said Court acquitted both the respondents for commission of offence under Section 306 read with Section 34 of

Indian Penal Code for abatement to commit suicide to Sheela Bai who was wife of respondent No.1 and daughter-in-law of respondent No.2.

5. As per the version of the prosecution, Sheela Bai died due to consumption of some poisonous substance on 24.6.2016 at village Khudubhantha. It is alleged that both the respondents harassed her and stopped her from going to her parental house that is why she committed suicide. Daleshwar Lahare (PW-3) and Foto Bai (PW-4) have stated before the trial Court regarding harassment while other witnesses have not deposed anything against the respondents and some of them have assisted during investigation after registration of FIR.

6. Daleshwar Lahare (PW-3) is the brother of the deceased. As per the version of this witness, his younger sister Kajal informed him that deceased Sheela consumed some poisonous substance. As per the version of this witness the respondents assaulted the deceased and pressed her neck. But from the version of this witness it is clear that he has stated before the trial Court on the basis of the information given to him by his sister namely Kajal. In this way version of this witness is hear say evidence which is inadmissible in evidence.

7. Smt. Foto Bai (PW-4) deposed that the deceased informed her that respondent No.1 namely Karan assaulted her and pressed her neck. The deceased was examined by Dr. BP Sai (PW-15) who did not opine that neck of the deceased was pressed. Again no injuries were found on the body of the

deceased except one abrasion on the neck. Therefore, medical evidence has not substantiated the assault on the body of the deceased. As the version of the Foto Bai (PW-4) is not supported by the medical evidence it cannot be held that anything done by respondent No.1 was sarcastic to her that is why she decided to end her life.

8. In order to hold a person guilty under Section 306 of the IPC, it is necessary that the case should fall within the ambit of Section 107 of the IPC, which should comprise.

- (i) instigating a person to commit an offence
- (ii) engaging in a conspiracy to commit an offence
- (iii) intentionally aiding a person to commit an offence

9. The prosecution is under obligation to establish the live link between any sarcastic act by the respondent and commission of suicide by the deceased. But connecting piece of evidence is lacking in the record of the trial Court. The trial Court has elaborately discussed the entire evidence and came to a conclusion that abatement on the part of the respondents is not established. This Court has no reason to record a contrary finding. It is not a case where the respondents should be called for full consideration of the case again.

10. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

**Sd/-**  
**(Ram Prasanna Sharma)**  
**JUDGE**