

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 294 of 2009****Order reserved on 08.10.2018****Order pronounced on 05.12.2018**

1. Basanti Bai wife of Chubul Uraon, aged about 40 years, R/o village Chandrapur, Police Station Bhatgaon, District Sarguja, CG

----- Petitioner/complainant**Versus**

1. State of Chhattisgarh through District Magistrate, Sarguja, CG
2. Manoni Bai wife of Mansai, aged about 38 years
3. Akhilesh son of Mansai, aged about 19 years
4. Sima D/o Mansai, aged about 23 years

Respondents 2 to 4 are residents of village Chandarpur, Outpost Bhatgaon, PS Pratappur, District Sarguja, CG

-----Respondents

For Petitioner	:	Shri N.K. Chaterjee
For State	:	Mrs. M. Asha, PL
For Respondents/accused:		Ms. Sharmila Singhai

CAV Order by Hon'ble Smt. Justice Vimla Singh Kapoor

This revision petition has been filed by the complainant against the judgment dated 09.04.2009 passed by Additional Sessions Judge (FTC) Surajpur (Sarguja) in Sessions Trial No. 249/2008 acquitting the accused/respondents of the charge under Section 306/34 IPC.

2. Facts of the case as unfolded by the prosecution, in brief, are that on 22.10.2007 the respondents/accused had confined the deceased namely Manisha in their house and that when her mother

(the petitioner herein) reached there while searching for her daughter, they abused and taunted her saying that she had enamoured accused Akhilesh and brought social infamy to them, and better if she died. As per the case of the prosecution, these words of the respondents/accused pained her a lot and for that she committed suicide by hanging. After registration of *merg* (Ex.P-5) followed by FIR and completion of further investigation, challan was filed against the respondents/accused.

3. Having considered the evidence of the witnesses, the Court below has acquitted the respondents/accused of the charge levelled against them and it is this judgment which is under challenge in this revision by the complainant.

4. Counsel for the petitioner/complainant submits that while acquitting the respondents/accused the court below has failed to consider the evidence of the witnesses, in particular that of PW-2 and PW-5 in its proper perspective otherwise it is a case where they should have been held guilty under Section 306 IPC for abetting the deceased to end her life.

5. On the other hand, counsel for the respondents/accused supports the order impugned submitting that while recording the finding of acquittal the Court below has considered each and every aspect of the matter and no illegality or irregularity is there warranting interference with the order impugned. State counsel too assisted this Court.

6. From the evidence of Tilkunwar (PW-2) – the friend of the deceased it appears to be a case of love affair between the deceased and accused Akhilesh. She has stated that in the village fair accused Akhilesh had called the deceased and conversed

something with her. In the said night the deceased is stated to have slept in her house and in the early morning when they were returning after easing themselves, accused Akhilesh who was already waiting for them holding torch in his hand, dragged her (deceased) inside, and thereafter this witness got back. When mother of the deceased (petitioner and PW-5 herein) reached near the house of the respondents/accused searching her daughter, accused Manoni and Sima dragged her out of their house asking the petitioner to take proper care of her, and in that short interval some verbal dispute too arose. Evidence nowhere indicates that the deceased ended her life on account of being taken inside by accused Akhilesh, rather she felt humiliated when accused Manoni and Sima drove her out asking her mother to control her daughter who had brought social ignominy to their family - which was absolutely natural on their part as nobody would bear the scene of an unwed girl with a male member of their family.

7. In the aforesaid view of the matter, the act of the respondents/accused abusing the deceased after seeing her in the company of accused Akhilesh and then asking her mother to take proper care of her and thereby avoid any social stigma to their family cannot be said to be an abetment for the deceased to commit suicide. Ingredients of abetment contained in Section 107 IPC are totally missing in this case. Court below has not gone wrong in acquitting the respondents/accused and the findings recorded by it are strictly based on the material available on record. Even otherwise, this Court has to be cautious to the legal position that if the material speaks of two possible views, the one favouring the accused has to be give weightage.

8. In the result, the revision preferred by the complainant being

without any substance is liable to be dismissed and it is dismissed as such. Order impugned maintained.

Sd/-

(Vimla Singh Kapoor)

Judge