

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-2770-SB of 2014 (O&M)

Date of decision : 24.1.2018

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Raj Rani

.....Appellant

vs.

State of Punjab and another

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rajesh K. Dadwal, Advocate for the petitioner

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

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H. S. Madaan, J.

Pinky Rani an accused in FIR No. 79 dated 8.5.2010 for offence under Section 306 IPC, registered with Police Station, Sadar, Hoshiarpur, faced trial by Additional Sessions Judge, Hoshiarpur, on the allegations that Mohinder Singh – father-in-law of such accused, had committed suicide and Pinky Rani had abetted his suicide, since she had been picking up quarrel with him quite often, giving abuses to the deceased and resultantly being fed up with such behaviour of Pinky Rani towards him, the deceased was driven to take extreme step of suicide. Mohinder Singh had consumed celphos tablets resulting in his death.

The prosecution had during the course of its evidence, examined PW-1 Raj Rani, complainant, PW-2 Dr. Gurbax Singh,

PW-3 Sarbjit Kumar, PW-4 ASI Naresh Kumar, PW-5 SI Santokh Singh, PW-6 HC Hardeep Singh, PW-7 HC Jasvir Singh PW-8 Rakesh Kumar, PW-9 ASI Vijyant Kumar, PW-10 Chandan Sharma and Additional PP for the State closed the prosecution evidence.

Thereafter, statement of accused was recorded under Section 313 Cr.P.C. in which all incriminating circumstances appearing against such accused, were put to her, to which she denied the allegations, pleading innocence, rather stating that she was given beatings by her deceased father-in-law, Mohinder Singh, Raj Rani, Meena Rani and Sarabjit Singh on 6.5.2010, due to which she remained admitted in Civil Hospital, Hoshiarpur, from 6.5.2010 to 9.5.2010, when her statement was recorded by the police in the hospital on 7.5.2010 on the basis of which DDR No. 49A dated 7.5.2010 was recorded at Police Station Sadar, Hoshiarpur; that she was arrested in this case on 9.5.2010 from the hospital itself. During her defence evidence, she examined DW-1 HC Sukhram Singh, DW-2 Sukhwinder Singh, DW-3 Dr. Gurbax Singh, DW-4 Nauhria Ram and thereafter closed her defence evidence.

After hearing arguments, the trial Court acquitted the accused of the charge framed against her. In para No.10 of its judgment, the trial Court has observed as under:-

“The points for determination in this case is that whether the accused instigated or abetted the commission of suicide by deceased Mohinder Singh on 8.5.2010, punishable under Section 306 IPC. As per the case of the prosecution as well as

evidence on file the accused is wife of Raj Kumar, who is son of deceased Mohinder Singh. Raj Kumar was living with his father Mohinder Singh in a house, which has two portions. Raj Kumar has raised a wall separating the two portions of the house. It is further case of prosecution that Raj Kumar has gone to Kuwait and he left his wife namely Pinky Rani in the house and she started abusing and harassing her father in law by saying that entire house is the ownership of her husband and he should vacate the same. It is the further case of prosecution that on 8.5.2010 at about 3.00 P.M., accused Pinky Rani and her relatives, namely Narinder Kaur, Narinder Parkash, Swaran Chand, Baljit Singh, Dharam Pal, started quarreling with them and gave abuses to Mohinder Singh and due to act and conduct of accused, Mohinder Singh committed suicide by consuming some poisonous substance. Thus, the moot question which is to be determined by this Court is that whether accused is liable to be convicted u/s 306 IPC. As per Section 306 of the IPC, if any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of. either description for a term which may extent to ten years, and shall also be

liable to fine. 'Abetment' has been defined under Section 107 of the Code. As per Section 107 IPC, a person abets the doing of a thing, who first instigates any person to do that thing or secondly engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy and in order to the doing of that thing or thirdly intentionally aids, by any act or illegal omission, the doing of that thing. Further as per Explanation 2 which has been inserted along with Section 107 of IPC, Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act. In M.Mohan Vs. State of Tr. Dy. Supdt. Of Police, 2011(2) RCR (Cri) 272 (SC) it has been held by the Hon'ble Apex Court that in order to convict a person u/s 306 IPC, there has to be a clear mensrea to commit the offence and it also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he committed suicide. Thus, it is crystal clear that to constitute the offence u/s

306 IPC, there must be clear mens rea to commit the offence and positive act on behalf of the accused to instigate the deceased to commit suicide.”

After hearing the contentions put forward by the prosecution and defence counsel and referring to the evidence, learned Additional Sessions Judge has come to the conclusion that prosecution has failed to prove on record that accused Pinky Rani abetted the deceased Mohinder Singh to commit suicide on 8.5.2010. Resultantly, granting her acquittal.

Feeling aggrieved by the judgment of acquittal, appellant has filed the present appeal, notice of which was given to the State.

I have heard learned counsel for the appellant, learned State, besides going through the record and I find that the impugned judgment does not suffer from any illegality or infirmity. Rather the same is based upon proper appraisal and appreciation of evidence and correct interpretation of law. I do not see any reason to interfere with the impugned judgment by way of acceptance of appeal.

Accordingly, finding no merit in the appeal the same stands dismissed.

(H.S. Madaan)
Judge

24.1.2018

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No