

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2076 of 2019**

- State Of Chhattisgarh Through Police Station Ranitarai, District Durg Chhattisgarh

---- Petitioner

Versus

1. Mohd. Yaseen S/o - Mohd. Aklu Khan Aged About 60 Years R/o - Village Kesra, Police Station Ranitarai, District Durg Chhattisgarh Parmanent R/o - Jamahilpur, Police Station Ujyarpur, District Samistipur, Bihar
2. Lakhanlal Sahu S/o - Jhurog Sahu Aged About 72 Years R/o - Village Kesra, Police Station Ranitarai, District Durg Chhattisgarh

---- Respondent

For PetitionerMr. R. Tripathi, Panel Lawyer

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board by Prashant Kumar Mishra, J.****16/9/2019**

1. Heard on IA No.1, an application for condonation of delay in filing the CRMP.
2. On due consideration, the application is allowed and the delay is condoned.
3. The trial Court has acquitted the accused of the charge under

Section 305/34 of IPC.

4. Deceased Kamalnarayan, aged about 14 years, committed suicide by ablazing himself after the accused persons particularly accused Mohd. Yaseen alleged commission of theft of Rs.850/- by deceased Kamalnarayan. It is said that Moh. Yasin went to the house of the deceased and threatened his mother that the deceased has committed theft and he will be beaten up. Deceased's mother PW-1 Parvati Bai searched a notebook of the deceased and found Rs.550/- inside it, which was returned to Mohd. Yaseen, however, both the accused assaulted the deceased, after which, he came back to his house, locked himself in a room and committed suicide by self-ablaze.
5. Section 305 of IPC provides that if any person under eighteen years of age, any insane person, any delirious person, any idiot or any person in a state of intoxication commits suicide, whoever abets the commission of such suicide shall be punished with death or imprisonment for life or imprisonment for a term not exceeding ten years, and shall also be liable to fine.
6. The necessary ingredients for attracting the offence is thus abetment to commit suicide.
7. It is the settled law that the reason to commit suicide and abetment of suicide are two different aspects.
8. Here, the accused persons were not present in the house of the deceased at the time, he locked himself in a room and

committed suicide by self-ablaze. The suicide took place after the accused persons gave beating to the deceased on the allegation of commission of theft, which was in fact found to be correct as per the statement of PW-1 Parvati Bai, mother of the deceased, who found Rs.550/- in the notebook of the deceased, which was returned to accused Mohd. Yaseen. Thus, the allegation of commission of theft was found correct, therefore, any beating to the deceased given thereafter may attract commission of offence under Section 323 of IPC but the same would not amount to abetment to commit suicide.

9. Therefore, no case for grant of leave to appeal is made out.

10. The CRMP is dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Shyna