

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2177 of 2018**

State of Chhattisgarh, Through Station House Officer, Police Station-
Lormi, District- Mungeli (C.G.)

---- **Petitioner**

Versus

1. Hajari Rajput, S/o Hincharam, Aged About 58 Years.
 2. Judawan Yadav, S/o Guharam, Aged About 57 Years.
 3. Dinesh Kumar, S/o Sadaram, Aged About 30 Years.
 4. Milauram Rajput, S/o Late Bhima, Aged About 83 Years.
- All R/o Village Sardha, Police Station Lormi, District – Mungeli
(C.G.)

---- **Respondents**

 For State/ Petitioner : Mr. Ravish Verma, Govt. Advocate.
 For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

15/01/2019

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in **(1996) 3 SCC 132**, the delay of 23 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 05.06.2018 passed by Sessions Judge, Mungeli, District- Mungeli (C.G.) in Session Trial No. 64/2017, wherein the said court acquitted

all the respondents for commission of offence under Section 306/34 of IPC, 1860 for committing abetment of suicide to one Nawal Kishore Rajput.

5. Shivnarayan Rajput (PW-1) is son of the deceased. As per version of this witness, respondent No. 1- Hajari Rajput and respondent No. 2- Judawan Yadav used to quarrel with the deceased due to road dispute in front of their house. He further deposed that the deceased treated respondent No. 3- Dinesh Kumar in which he sustained some swelling after the treatment and demanded Rs. 5000/- from the deceased that is why the deceased was fearful. Rajni Devi Rajput (PW-2) deposed on the same line. Saraswati Bai Rajput (PW-4) who is wife of the deceased also deposed regarding quarrel and demand of money.
6. To substantiate the charge under Section 306 of IPC, it is compulsory that the case should fall within the ambit of Section 107 of 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.

Therefore, a person said to have abetted, doing of a thing when he or she instigates any person to do so with any other means of abetment besides instigating are conspiracy and intentionally aid the commission and it is sometime more than co-operation.

7. In order to establish charge under Section 306 of IPC, there should be live-link between act of the respondents and death of the deceased. If the entire evidence adduced by the prosecution is accepted in toto even then, it is not established that any of the respondent has instigated or aided the deceased in committing suicide. It is not a case where the deceased had no other option but to end his life.
8. The trial court has elaborately discussed the entire evidence and came to conclusion that the charge leveled against the respondents is not established. After reassessing the entire evidence, this Court has no reason to record contrary finding. It is not a case where respondents should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
9. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge