

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2578 of 2018**

- State Of Chhattisgarh Through Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

1. Virendra Lodhi S/o Shyamlal Lodhi Aged About 37 Years R/o Village Darbar Khapri, Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.
2. Smt. Sajan Bai W/o Shyamlal Lodhi Aged About 57 Years R/o Village Darbar Khapri, Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Respondents-----
For the Petitioner/State : Shri Ravish Verma, Govt. AdvocateFor the respondent : None
-----**Hon'ble Shri Justice Ram Prasanna Sharma****Order On Board****20.3.2019.**

1. Heard on application for grant of leave to appeal under Section 378(3) of CrPC.
2. This petition is preferred against the judgment of acquittal dated 30.8.2018 passed by Additional Sessions Judge, Khairagarh, Distt. Rajnandgaon (CG) in Session Trial No.10/2016 wherein the said Court acquitted both the respondents for the charges under 306/34 of the Indian Penal Code, 1860.
3. In the present case name of the deceased is Radhika Bai, who died due to burn injuries on 06.4.2016. Smt. Amarika (PW-2) deposed that deceased was asking her mother-in-law (respondent No.2) to remove some articles to which respondent No.2 replied that she is unable to remove and nothing more was happened

before her. Mangal Netam (PW-1) and Vishuram (PW-4) have deposed that the deceased made dying declaration that due to anger she herself poured kerosene on her body and set herself ablaze.

4. From the entire evidence adduced by the prosecution, there is no indication that any of the respondents instigated or aided the deceased to commit suicide.

5. To substantiate the charge, the prosecution is under obligation to establish the ingredients of Section 107 IPC which relates to abettment which may be read as under:

- (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 instigate 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.

6. In the present case, there is no evidence against any of the respondents regarding harassment to the deceased. The deceased herself under the state of anger committed suicide and there is no live link with the act of the deceased and the act of any of the respondents.

7. The trial Court has elaborately discussed the entire evidence and recorded finding of acquittal. After reassessing the

evidence, this Court has no reason to record a contrary finding. This is not a case where the respondents should be called for full consideration of the case.

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

Sd/-
(Ram Prasanna Sharma)
JUDGE