

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.203 of 2019**

- State Of Chhattisgarh Through Thana- Aamabeda, Village- Aamabeda, District- Uttar Bastar Kanker, Chhattisgarh.

---- **Petitioner****Versus**

- Ramesh Kumar Patel S/o Chain Singh Patel Aged About 20 Years R/o Village- Aamabeda, Thana- Aamabeda, District- Uttar Bastar, Kanker, Chhattisgarh.

---- **Respondent**-----
For the Petitioner/State : Shri VB Singh, Panel LawyerFor the respondent : None
-----**Hon'ble Shri Justice Ram Prasanna Sharma****Order On Board****26.02.2019.**

1. Heard on IA No.01/2019 for condonation of delay in filing the petition.

2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 09 days in filing the petition is hereby condoned.

3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.

4. This petition is preferred against the judgment of acquittal dated 29.8.2018 passed by Additional Sessions Judge (FTC), North Bastar, Kanker (CG) in Session Trial No.01/2018 wherein the said Court acquitted the respondent for the charges under 306 of the Indian Penal Code, 1860 for abetting one Sukhiyarin Yadav on or before 10.8.2017 to commit suicide.

5. As per the version of the prosecution, said Sukhiyarin Yadav committed suicide by hanging herself on 10.8.2018 at farm house of one Amit Nag at village Aamabeda. Total evidence adduced by the prosecution goes to show that the deceased was not in relation with the respondent but she reached to the house of the respondent on the date of incident and it appears from the record that when she entered into one room of the house of the respondent, her room was locked from outside. Her father and people of the locality of her village came there but she did not return back to her parental house due to fear that her parents will beat her.

6. 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.

7. In the present case, it is not clear as to what really happened with the deceased which was sarcastic for her and dragged her to end her life. It is not a case where the deceased had no other alternative but to end her life because she had

option to go to parental home. It is not a case where the respondent harassed her in any manner. One suicidal note was seized in the present case but the same is not incriminating in any way with the respondent for commission of offence. Circumstances prevailing at the time of the incident do not go to show any kind of instigation or aiding by the respondent. For establishing charges under Section 306 IPC there should be live link between the act of the respondent with the suicide, but that is not the case here. The trial Court has elaborately discussed the entire evidence and recorded a finding of acquittal. After assessing the evidence, this Court has no reason to substitute contrary finding. This is not a case where the respondent 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**