

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO. 405/2019

Arvind Kumar s/o Dwarka Singh .vs. Pratik s/o Pramod Gupta and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R. Kalra, Advocate for appellant.

Mr. V. A. Thakare, A.P.P. for respondent no.2-State.

CORAM : V. M. DESHPANDE, J.

DATED : DECEMBER 09, 2019

Heard Mr. Kalra, learned counsel for appellant
and Mr. Thakare, learned A.P.P. for respondent no.2-State.

This appeal takes exception to judgment and
order of acquittal passed by learned Additional Sessions
judge-11, Nagpur in Sessions Trial No. 257/2015. By the
impugned judgment, learned Judge of Court below
acquitted respondent no.1 of the offence punishable under
Section 306 of the Indian Penal Code.

Deceased is Ashish, son of first informant. He
was student of engineering college and was studying at
Bhopal. He came to Nagpur on 19.08.2014 and committed
suicide on 21.08.2014 by hanging himself in the house.
Initially, on the basis of information given by father of
deceased Arvind Kumar (PW1), an Accidental Death No.
57/2014 was registered. From the spot, police party
recovered two notes left behind by deceased Ashish. As per
prosecution case, on 28.08.2014, one girl by name Suruchi

informed elder brother of deceased that due to blackmailing at the hands of respondent no.1, deceased has committed suicide. Thereafter, the offence was registered against the respondent. He was charged for an offence punishable under Section 306 of the Indian Penal Code.

In order to prove the charge, in all 15 witnesses were examined by the prosecution. Spot-cum-seizure panchanama is at Exh.-13. There are two suicide notes. Those are exhibited as Exh.-13-1 and 13-2. The learned Judge has gone into those suicide notes in the evidence and also made reference of the same in the impugned judgment in paragraph 18. The recitals in the suicide note, Exh.-13-2, which was meant for police is reproduced hereinbelow:

‘भेरी मेंटल सिचुएशन पीछे कुछ महिनो से ठीक नाही है.
सुसाईड टेंडन्सी भर चुकी हे, आज ना कल में ये कर सकता हु
जरा जरा सी बात पे में कमजोर पर जाता हु और मुझे जीने का
मन नहीं करता...”

Reading of the same clearly shows that the deceased was having suicidal tendency and he was weak minded person.

Merely because a person has committed suicide, that does not mean that the person who is charged, has abetted the person to commit suicide. There is no positive evidence to show that at any point of time respondent no.1 has abetted the deceased to commit suicide.

Learned trial Judge has considered the evidence on record in correct perspective. Merely because another view is possible that itself is not sufficient to substitute the appellate Court's view in place of the view of the learned trial Court.

Learned Judge of the trial Court, after reading the suicide note has formed an opinion that there was no abetment at the hands of respondent no.1. The view taken by learned Judge of the Court below is not perverse. On the contrary, it is based on proved documents Exh.-13-1 and 13-2. No case is made out by the appellant. The appeal is, therefore, rejected.

JUDGE