

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 786 of 2018

State of Chhattisgarh Through Police Station Mohla, District
Rajnandgaon Chhattisgarh. **---- Petitioner**

Versus

1. Naresh Bhai Taaram S/o Late Budhwar Singh Aged About 30 Years R/o Village Chandanbihri, Police Station Mohla, District Rajnandgaon Chhattisgarh.
2. Thakur Ram Dhalend S/o Jeevan Lal Aged About 24 Years R/o Village Chandanbihri, Police Station Mohla, District Rajnandgaon Chhattisgarh. **---- Respondents**

For State petitioner : Mr. D.K. Tiwari, Dy.G.A.

For Respondent : Mr. B.P. Singh, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

18.02.2020

1. Heard on I.A. No.1/2018, which is an application for condonation of delay in filing the instant petition.
2. On due consideration, the application is allowed and the delay of 65 days in filing the instant petition is hereby condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of Cr.P.C.
4. This petition is preferred against the judgment dated 31.10.2017, passed by learned Second Additional Sessions Judge, Rajnandgaon (C.G.), in Sessions Case No.52/2017 wherein the said Court has acquitted the respondents for commission of offence under Section 306 read with Section 34 of Indian Penal Code, 1860 for abatement of suicide of one Deo Kumar Rawte on 29th of October, 2016 and on 30th of October, 2016.

5. In the present case, name of the deceased is Deo Kumar Rawte. As per medical evidence, he committed suicide by hanging himself. The prosecution examined as many as 16 witnesses. Dhansingh (PW-6), Fulbasan (PW-7), Keshav Ram(PW-8) and Umend Ram (PW-13), deposed before the trial Court that there was dispute between the respondents and deceased on account of love affair with one girl namely Damini who was sister of the respondents but this conversation between both sides cannot be turned as abatement.

6. For establishing the charge under Section 306 of IPC, the ingredient of Section 107 of IPC has to be established which may be mentioned 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 instigates any person to do so with any other means of abatement besides instigating are conspiracy and intentionally aid the commission and it is sometime more than co-operation.

7. For commission of offence under Section 306 of IPC there should be live link with the act of the respondents and death of the deceased. In the present case, the only evidence which is brought on record is that the respondent had love affair with one girl namely Damini and that is why some altercation took-

place. It is but natural that if any relation is maintained without marriage, the member of society intervene and try to settle the dispute but same is not equivalent to instigation or intentionally adding or conspiracy for suicide. Therefore, it cannot be said that any act of the respondents is abatement on their part of suicide of Deo Kumar.

8. In view of the legal position, it is not a case where interference of this Court is required with the judgment of the trial Court. It is also not a case where respondent should be called for hearing again for full consideration of this petition.
9. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge