

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 225 of 2012**

1. Jogender Singh, S/o Late Shri Deshraj Singh, aged about 65 years.
2. Taranjeet Singh, S/o Jogendra Singh aged about 38 years, (wrongly mentioned as 36 years in C.C. of order)

Both are residents of DDM School Road Korba, District Korba C.G.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali Korba, Distt. Korba C.G.

---- Respondent

For Applicants	:-	Mr. Akhtar Hussain, Advocate
For Respondent-State	:-	Mr. Avinash K. Mishra, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Judgment On Board

02/03/2020

1. This Criminal Revision is brought before this Court challenging the legality, propriety and correctness of the order dated 07.02.2012 passed by the Sessions Judge, Korba in ST No.88/11 framing charge against the applicants under Section 306 of I.P.C.
2. Deceased – Durga Devi, who was the adjacent neighbor of

the applicants, committed suicide on 27.11.2010, leaving a suicide note mentioning the names of the applicants as the persons because of whom she was frustrated and is committing suicide.

3. Inquest procedure was taken up; FIR was lodged; and on completion of investigation, the charge-sheet was filed, based on which the charge has been framed against the applicants.
4. It is submitted that the impugned order suffers from illegality for the simple reason that *prima facie* there is no case against the applicants for framing charge under Section 306 IPC.
5. On bare perusal of the suicide note, nothing is found on the part of the applicants to show, that they had in any manner instigated the deceased to commit suicide, which is a specific requirement under the provision of Section 107 of IPC. Similarly, there is no statement given by any other witnesses in this respect.
6. Relying on the judgment of **M. Arjunan Vs. State** reported in (2019) 3 SCC 315, it is submitted that essential ingredients of abetment of any offence have to be present on record for the charge under Section 306 IPC. Hence it is prayed that the petition be allowed and relief be granted to the petitioner.

7. On the other hand, State counsel opposes the statement and submits that a clear *prima facie* case is made out against the applicants. Deceased has committed suicide only for the reason that applicants had created a difficult situation for her, from which she could not come out, therefore, the conduct on the part of the applicant is itself an act of abetting the suicide. Hence they are not entitled for any relief.
8. Perused the copy of charge-sheet, which indicates that deceased committed suicide on 27.11.2010 by hanging herself. The inquest report also demonstrate that the death of the deceased was suicidal. Allegation of abetment against the applicants was only based on the suicidal note written by the deceased.
9. On going through the suicide note, it is evident that the deceased was troubled and frustrated because of the nuisance created by the applicants by parking their vehicles in front of the house of the deceased and also raising dispute that they want to take possession of the 03 feet of her land for widening of the road. Other details have also been given regarding her interaction with the applicants, but all that appears only to be connected with the activities of the applicants which the deceased could not digest and felt frustrated, therefore, she felt that the applicants were creating nuisance for her. On perusal of her suicidal note it

does not appear that applicants have uttered any word regarding abetment, so that it can be said that they have instigated the deceased to commit suicide.

10. On perusal of the statement of other witnesses recorded under Section 161 of Cr.P.C. namely; Ashok Kesharwani, husband of the deceased, Sangeeta Kesharwani, sister of deceased, Ganesh Prasad, neighbor of deceased, Vinod Kesharwani, Akansha @ Shanu, daughter of deceased and Sirat Singh Sando, it is similarly found that there is no direct evidence against the applicants regarding giving instigation or hatching of conspiracy or aiding the deceased to commit suicide.

11. Therefore, the ingredients that are required under Section 107 IPC to form abetment of commission of any offence is totally missing. I feel inclined to allow this revision petition. Accordingly, the revision petition is allowed, the impugned order framing charge against the applicants is hereby set aside.

12. Petition stands disposed off.

SD/-
(Rajendra Chandra Singh Samant)
Judge

Ayushi