

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 198 of 2015**

- The State Of Chhattisgarh Through District Magistrate, Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Amarnath @ Amru Agrawal S/o Late Dwarika Prasad Agrawal Aged About 50 Years
2. Sanjay Kumar Tulsyan S/o Naval Kishor Agrawal Aged About 46 Years
3. Dewendra Gupta S/o Bijendra Gupta Aged About 42 Years All are R/o Main Road Kota, Ps Kota Distt. Bilaspur C.G.
4. Tekchand Karda @ Teku S/o Hotumal Karda Aged About 40 Years R/o Main Road Takhatpur, Ps Takhatpur, Distt. Bilaspur C.G.

---- Respondent

For Petitioner/State

Mr. Ashish Gupta, Panel Lawyer

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &

Hon'ble Mr. Justice Gautam Chourdiya

Order On Board by Prashant Kumar Mishra, J.

12.2.2020

1. Heard on IA No.1, an application for condonation of delay in filing the CRMP.
2. On due consideration, the application is allowed and the delay is

condoned.

3. Also heard on admission.
4. The trial Court has acquitted the accused of the charges under Section 305/34 of IPC vide judgment dated 25.9.2014 in Sessions Case No.180/2013.
5. The accused persons were sent for trial for abetting commission of suicide by deceased Saksham Vishwas, who was a student of Class IX in St. Xavier School, Bharni, on 20.12.2012. It was alleged that the accused persons went to the house of the deceased in the afternoon of 19.12.2012 and took him to a computer shop owned by one Amlendra Sharma at Kota and assaulted him there for the reason that the deceased has created number of fake Facebook Accounts in the name of Chinki, niece of accused Tekchand Karda @ Teku and he used to send obscene messages to other FB Account holders with whom the holder of fake FB Account(s) has made friendship. The deceased also uploaded mobile number of the mother of Chinki, after which, her mother started receiving unwanted calls on her mobile. On investigation by the uncle of Chinki and his friends, they became aware that the fake FB Account(s) has been created by the deceased.
6. The trial Court has found that the statements of the prosecution witnesses do not disclose such evidence constituting the ingredients of abetment to commit suicide. The trial Court has also found that it is not proved that the accused

persons have called the deceased prior to the date of the incident or that they assaulted him on a day prior to the date of his commission of suicide.

7. Having seen the evidence, we are satisfied that the prosecution has failed to prove the ingredients of Section 305 of IPC.
8. No case for grant of leave to appeal is made out.
9. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

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