

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 100 of 2020**

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

**Versus**

Meshram Sahu S/o Shri Brijmohan Sahu Aged About 42 Years  
R/o Bakhrutola, Police Station Chhuriya, District Rajnandgaon,  
Chhattisgarh. **---- Respondent**

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For State/petitioner : Mr. D.K. Tiwari, Dy.G.A.  
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**Hon'ble Shri Justice Ram Prasanna Sharma**

**Order on Board**

**05.03.2020**

1. Heard on I.A. No.1/2020, which is an application for condonation of delay in filing the instant petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in **(1996) 3 SCC 132**, the delay of 20 days in filing the petition is condoned.
3. 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 29<sup>th</sup> of July, 2019 passed by learned First Additional Sessions Judge, Rajnandgaon (C.G.) in Sessions Case No. 40/2018 wherein the said Court has acquitted the respondent for commission of offence under Section 306 of Indian Penal Code, 1860.
5. In the present case, name of the deceased is Bhanbai who is wife of the respondent. No one deposed before the trial Court as to what really happened on the date of incident or prior to date of incident which forced the deceased to take extreme

step to end her life. In the present case, place of incident is village Bakhurutola. Shivdas (PW-1) who is younger brother of the respondent did not depose regarding any criminal act of the respondent. As per version of this witness marriage relation between the respondent and the deceased is about 18-19 years old. Kiran (PW-5) is daughter of the respondent and deceased also did not depose anything against the respondent she depose that relation between the respondent and the respondent was good. She is resident of same village Bakhurutola. She deposed that she had no occasion to assess what is really going on in the house of the deceased at village Bakhurutola. Bhagirathi (PW-11) is a father of the deceased and he deposed on the same line what is stated by Girja Bai (PW-10) mother of the deceased.

6. On an overall assessment of the evidence, there is nothing on part of the respondent which can be turned as instigation conspiracy or intentionally adding to the deceased to end her life.
7. 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.
8. 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.

9. For commission of offence under Section 306 of IPC there should be live link with the act of the respondent and death of the deceased but same is lacking in the present case.
10. The trial Court after evaluating the entire evidence recorded finding that charge leveled against the respondent is not established. After going through the records 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.
11. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

**Sd/-**  
**(Ram Prasanna Sharma)**  
Judge