

\$~15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 536/2019 & CRL.M.A. 9652/2019**

PAWAN KUMAR & ANR

..... Petitioners

Through Mr Vikas Sharma, Advocate with
Ms Divya Kumra, Advocates.

versus

STATE

..... Respondent

Through Mr Amit Gupta, APP for state.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

14.02.2020

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 06.02.2019, whereby charges under Sections 306/34 of the IPC were framed against the petitioners.
2. The said charges have been framed pursuant to FIR No. 709/2012 registered with PS Narela. The said FIR was registered pursuant to a suicide note left by Sh Jagdish Kumar (the deceased). He had committed suicide and had indicated in the suicide note that he was doing so because he had paid certain money to the accused for papers. However, the accused were neither providing the said papers nor refunding the money. It is also stated in the suicide note that he had informed the accused that he was at the verge of committing suicide if the money was not returned. Subsequently, a chargesheet was filed.
3. The learned counsel appearing for the petitioners submits that the

charges have been framed solely on the basis of the allegations made in the suicide note. He submits that the suicide note is bereft of any details inasmuch as, when the payments were made have not been indicated. He submits that the charges ought not to have been framed on such vague allegations. He further submits that the accused were not within the vicinity of the spot where the deceased had committed suicide and therefore, the allegation of an offence punishable under Section 306 of the IPC is unsustainable.

4. This Court is not persuaded to accept the aforesaid contentions. First of all, the aforesaid suicide note contains sufficient particulars of the amounts paid as well as the reasons for making such payments. It is well settled that if an accused had created a situation that compelled the deceased to commit suicide and the accused had egged on the deceased to do so, an allegation of abetment of suicide may be sustainable. At this stage, it is not apposite to speculate whether the prosecution would be successful in proving the charges. Insofar as other details are concerned, the onus to establish that the accused is guilty of the charges rests on the prosecution. However, the contention that the charge framed is without any basis, is unmerited.

5. This Court finds no infirmity with the aforesaid order. The petition is unmerited and is, accordingly, dismissed. The pending application is disposed of.

VIBHU BAKHRU, J

FEBRUARY 14, 2020

pkv