

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 329 of 2021**

- Manoj Dewangan, aged about 39 years, S/o Budhram Dewangan, R/o Azad Chowk Ward No. 8, Patan, District Durg (C.G.)

**---- Petitioner/Accused****Versus**

- State of Chhattisgarh through Station House Officer, Police Station Patan, District Durg (C.G.)

**---- Respondent/Prosecution**


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| For Petitioner | : | Shri Shalvik Tiwari, Advocate |
| For Respondent | : | Shri Afroz Khan, Panel Lawyer |

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**Hon'ble Shri Justice Gautam Chourdiya, J****Order on Board****11.11.2021**

1. This revision petition has been filed under Section 397/401 of Cr.P.C. against the order dated 11.02.2021 of framing of charge under Section 306 of IPC by the Sessions Judge, Durg, District Durg (C.G.). By this revision petition, the petitioner is seeking quashment/setting aside the order framing charge dated 11.02.2021 and discharging the petitioner from all the offences.
2. Learned counsel for the petitioner submits that if the contents of F.I.R. and the material collected by prosecution are seen in light of the ingredients necessary for attracting the offence under Section 306 of IPC, it is clear that the charge framed by the trial Court is not sustainable in law, the same is liable to be set aside and the accused deserves to be acquitted of the charge.
3. On the other hand, learned counsel for the State submits that the prosecution had seized suicidal note of the deceased, it is clearly reflected that the deceased had taken the name of the petitioner in the suicidal note.
4. From perusal of the impugned charge framing order, it is seen that there are some property dispute, the petitioner and his brother (deceased- Preetam Dewangan), the petitioner used to say that wife of the deceased is

characterless, thereby defaming the deceased and his family which compelled the deceased to commit suicide by hanging. This apart, in suicidal note the deceased has specifically stated the petitioner is responsible for his death, further the wife of the deceased has also stated in her case diary statement that the petitioner used to harass the deceased saying that he has married a characterless girl, he would defame in the society, he also ousted from the house as a result of which her husband/deceased used to remain very upset and ultimately committed suicide.

5. Thus, considering overall material collected by the prosecution, the suicidal note of the deceased, statement of wife of the deceased and other witnesses, this Court finds no illegality or perversity in the impugned order framing charge under Section 306 of IPC against the petitioner.
6. Consequently, the revision petition being devoid of substance deserves to be and is hereby dismissed.

Sd/-

**(Gautam Chourdiya)**  
Judge