

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL REVISION CASE No.580 of 2008

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of Cr.P.C., is directed against the judgment, dated 12.03.2008, passed in Criminal Appeal No.102 of 2007 by the I Additional Sessions Judge at Mahabubnagar, whereby, the judgment, dated 05.07.2007, passed in S.C.No.5 of 2006 by the Assistant Sessions Judge at Nagarkurnool, convicting the petitioner/accused of the offence under Section 306 of IPC and sentencing him to undergo rigorous imprisonment for three years and to pay fine of Rs.1,000/-, in default, to undergo simple imprisonment for six months, was confirmed.

2. I have heard the submissions of Sri C.Sharan Reddy, learned counsel for the petitioner/accused and the learned Assistant Public Prosecutor appearing for the respondent-State. I have perused the record.

3. The prosecution case, in a nutshell, is that the deceased-Neelamma is the daughter of the *de facto* complainant (PW.1). The marriage of the deceased was performed with Kumar Raju (PW.8). The couple had no issues. While so, the petitioner/accused, whose house is situated nearby the house of the deceased, started following the deceased wherever she went and harassing her to satisfy his sexual

desire. The deceased and her husband informed the matter to the *de facto* complainant (PW.1) and also to the parents of the husband of the deceased, whereupon, the elders and others have advised the petitioner/accused not to harass the deceased. The petitioner/accused kept quiet for some time and he again started harassing the deceased and used to follow her to the fields and other places. Due to unbearable harassment of the petitioner/accused, the deceased got frustrated, fed up with life and in the morning hours of 15.09.2004, in the absence of her husband and in-laws in the house, committed suicide by hanging with a rope to the roof and died. Hence, the petitioner/accused is guilty of the offence under Section 306 of I.P.C.

4. On receipt of complaint lodged by PW.1, PW.16-Mohd.Jeelani, HC-312, registered a case in Crime No.66 of 2004 for the offence under Section 306 of IPC, issued Ex.P.11-FIR, visited the scene of offence, conducted scene of offence panchanama in the presence of PWs.12 and 13, recorded the statements of PWs.1 to 7, made a requisition to PW.14-MRO, who conducted Ex.P9-Inquest panchanama in the presence of LWs.14 to 16, got the dead body of the deceased photographed by PW.6, prepared Crime Details Form and handed over the CD File to PW.17. PW.17-SI of Police verified the investigation done by PW.16, examined PWs.8 to 11, completed investigation and laid charge-sheet before the Learned Judicial Magistrate of First Class,

Nagarkurnool, against the petitioner/accused for the offence punishable under Section 306 of IPC.

5. The learned Magistrate took cognizance against the petitioner/accused for the offence under Section 306 of IPC, registered the same as P.R.C.No.19 of 2005 and committed the same to the Court of Session, Mahabubnagar, since the offence under Section 306 of IPC is exclusively triable by the Court of Session. On committal, the Court of Session numbered the case as S.C.No.5 of 2006 and made over to the Court below for trial and disposal, in accordance with law.

6. On appearance of the petitioner/accused, the Court below framed charge against him of the offence under Section 306 of IPC, read over and explained to him, for which, the petitioner/accused pleaded not guilty and claimed to be tried.

7. To prove the guilt of the petitioner/accused, the prosecution examined PWs.1 to 17 and got marked Exs.P1 to P11, besides case properties, MOs.1 to 17. After closure of prosecution evidence, when the petitioner/accused was confronted with the incriminating material appearing against him and was examined under Section 313 Cr.P.C, he denied the same and contended that he was falsely implicated in the case. On behalf of the petitioner/accused, DW.1 to DW.4 were examined and no exhibits were marked.

8. The trial Court, after analyzing the entire evidence on record, holding that the prosecution amply proved the charge against the petitioner/accused for the offence under Section 306 of IPC and accordingly, convicted and sentenced him as stated supra. Aggrieved by the same, the petitioner/accused preferred the subject Criminal Appeal No.102 of 2007 before the Court below. The Court below, after re-appreciating the entire evidence on record, dismissed the appeal, confirming the conviction and sentenced imposed by the trial Court. Aggrieved by the same, the petitioner/accused filed this Criminal Revision Case.

9. The learned counsel for the petitioner/accused would contend that the judgment of the Court below is unsustainable in the eye of law. The petitioner/accused is innocent and has nothing to do with the suicide committed by the deceased. Except bald allegations of harassment against the petitioner/accused, no specific overt acts have been attributed against him. The Court below erred in placing reliance on the testimony of PWs.1 to 4, who are highly interested witnesses and discrepant in material particulars. The allegations in the charge sheet do not constitute offence under Section 306 of IPC. The petitioner/accused never abetted the deceased to commit suicide. The deceased did not commit suicide because of the alleged harassment of the petitioner/accused to satisfy his sexual desire, but for the fact that her husband was going to marry again, which was established by the

evidence on record. Without any cogent and convincing evidence on record, the trial Court erroneously recorded conviction and sentence against the petitioner/accused for the offence under Section 306 of IPC, which was confirmed by the Court below. The impugned judgment suffers from illegality, impropriety and irregularity and warrants interference by this Court under Sections 397 & 401 of Cr.P.C. and ultimately prayed to allow the Criminal Revision Case by setting aside the impugned judgment of the Court below and acquit the petitioner/accused of the offence under Section 306 of IPC.

10. On the other hand, the learned Assistant Public Prosecutor appearing on behalf of the respondent-State would contend that there is ample evidence on record to prove the guilt of the petitioner/accused of the offence under Section 306 of IPC. The petitioner/accused abetted the deceased to commit suicide. The acts of the petitioner/accused, as alleged in the charge-sheet, squarely fall within the ambit of Section 306 of IPC. The evidence of prosecution witnesses is cogent, consistent and there are no material omissions and inconsistencies in the same. Further, the evidence of PW.1 to PW.5 finds corroboration with each other. All the necessary ingredients of Section 306 of IPC have been made out against the petitioner/accused. There is no patent illegality or irregularity in the judgment under challenge so as to interfere with the same under Revisional jurisdiction of this Court under Sections 397 & 401 of Cr.P.C. The contentions

raised on behalf of the petitioner/accused are untenable and ultimately prayed to confirm the judgment under challenge and dismiss the Criminal Revision Case.

11. I have considered the above rival submissions and meticulously gone through entire material on record. This Court is aware of the settled legal position that this Court, in exercise of its Revisional jurisdiction under Sections 397 & 401 of Cr.P.C., cannot interfere with the concurrent findings of fact recorded by the Courts below, unless they are perverse or arrived at ignoring material evidence. Further, the Revisional power of this Court under Sections 397 and 401 of Cr.P.C., is not to be equated with that of an appeal. But however, when the decision of the Court below is perverse or untenable in law or grossly erroneous or glaringly unreasonable or based on no material or where the material facts are wholly ignored or where the judicial discretion is exercised arbitrarily or capriciously, this Court can interfere with the said decision, in exercise of its Revisional jurisdiction.

12. Keeping the above settled legal position in mind, if we look at the facts of the case, the petitioner/accused is convicted for the offence under Section 306 of IPC. Section 306 of IPC deals with 'abetment of suicide' and Section 107 of IPC deals with 'abetment of a thing'. They read as follows:

306. Abetment of suicide -- *If any person commits suicide, whoever abets the commission of such suicide, shall be punished*

with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

107. Abetment of a thing -- A person abets the doing of a thing, who –

Firstly.-- Instigates any person to do that thing; or

Secondly.-- Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly.-- Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1. A person by willful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2.--Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act."

13. The Hon'ble Apex Court, in **Randhir Sinigh Vs. State of Punjab**¹, held as follows:

"Abetment involves a mental process of instigating a person or intentionally aiding that person in doing of a thing. In cases of conspiracy also, it would involve that mental process of entering into conspiracy for the doing of that thing. More active role which can be described as instigating or aiding the doing of a thing is required before a person can be said to be abetting the commission of offence under Section 306 IPC."

14. In **S.S.Chheena Vs. Vijay Kumar**², the Hon'ble Apex Court, speaking through Justice Dalveer Bhandari, held as follows:

¹ (2004) 13 SCC 139

² (2010) 12 SCC 190

"25. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide."

15. In **Rajesh Vs. State of Haryana**³, the Hon'ble Apex Court held as follows:

"Conviction under Section 306 of Indian Penal Code is not sustainable on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused, which led or compelled the person to commit suicide."

16. Further, in **Kishori Lal Vs. State of Madhya Pradesh**⁴, the Hon'ble Court gave a clear exposition of Section 107 of IPC, observing as follows:

"Section 107 IPC defines abetment of a thing. The offence of abetment is a separate and distinct offence provided in IPC. A person, abets the doing of a thing when (1) he instigates any person to do that thing; or (2) engages with one or more other persons in any conspiracy for the doing of that thing; or (3) intentionally aids, by act or illegal omission, the doing of that thing. These things are essential to complete abetment as a crime. The word "instigate" literally means to provoke, incite, urge on or bring about by persuasion to do anything. The abetment may be by instigation, conspiracy or intentional aid, as provided in the three clauses of Section 107. Section 109 provides that if the act abetted is committed in consequence of abetment and there is no provision for the punishment of such abetment, then the offender is to be punished with the punishment provided for the original offence. "Abetted" in Section 109 means the specific offence abetted. Therefore, the offence for the abetment of which a person is charged with the abetment is normally linked with the proved offence."

³ (2020) 15 SCC 359

⁴ (2007) 10 SCC 797

17. In **State of W.B. Vs. Orilal Jaiswal**⁵, the Hon'ble Apex Court observed that the Courts should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had, in fact, induced her to end the life by committing suicide. If it transpires to the Court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the Court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.

18. Thus, the Hon'ble Apex Court has taken a consistent view that before holding an accused guilty of the offence under Section 306 of IPC, the Court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it, in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment,

⁵ (1994) 1 Supreme Court Cases 73

without their being any positive action proximate to the time of occurrence on the part of the accused, which led or compelled the person to commit suicide, conviction under Section 306 of IPC is not sustainable. In order to bring a case within the purview of Section 306 of IPC, there must be a case of suicide and in the commission of the said offence, the person, who is said to have abetted the commission of suicide, must have played an active role by an act of instigation or by doing certain act, to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the offence under Section 306 of IPC must be proved and established by the prosecution, before he/she could be convicted under the said section of law.

19. Keeping in view the above settled legal position in mind, now I would venture to analyze the evidence on record. PW.1 is the father of the deceased. He deposed that the marriage of the deceased was performed with PW.8. He was at Hyderabad on the date of death of the deceased. His brother informed him over telephone about the death of his daughter and he came from Hyderabad to her daughter's in-laws house and found that the deceased was hanging in the house of PW.8 with rope to her neck. Due to the teasing and harassment of the petitioner/accused, the deceased died by committing suicide by self strangulation. One month prior to the incident, the deceased informed him about the teasing of the petitioner/accused. PW.1 was cross

examined at length, wherein, it was elicited that neither himself nor his son-in-law (PW.8) lodge any complaint with the police with regard to the teasing of the petitioner/accused. Ex.P1 is the complaint lodged by PW.1, wherein, it was stated that the petitioner/accused was harassing the deceased for the past three months. However, in the evidence of PW.1, he deposed that the deceased informed him about the teasing and harassment of the petitioner/accused one month prior to the incident. He further deposed that he informed the parents of the petitioner/accused about the harassment in the presence of elders, i.e., Konkali Krishnaiah and Chandu. However, both the said persons were not examined by the prosecution.

20. PW.2 is the mother of the deceased. She deposed that her deceased daughter informed her about the harassment of the petitioner/accused and a panchayat was held in the presence of Chandu and Shivanna with regard to the same, one month prior to the death of the deceased. However, the evidence of said Chandu and Shivanna is not placed on record. PW.2 further deposed that on the date of death of the deceased, a panchayat was held and her family demanded gold and cash from the family of husband of the deceased. PW.8 and his parents paid cash of Rs.30,000/- to them and also returned the gold ornaments. PW.2 admitted that there were disputes between her family and the family of the petitioner/accused, as the pigs of the petitioner/accused trespassed into her land and damaged the crop.

21. PW.3 is mother of the husband of the deceased. She deposed in her evidence that the deceased informed her on Tuesday that the petitioner/accused was following her and teasing her and on the next day, while she went to shop, the deceased self strangled and died. In her cross-examination, PW.3 admitted that after the tenth day ceremony of the deceased, their family returned an amount of Rs.34,000/- apart from gold ornaments to the parents of the deceased.

22. PW.4 deposed that he knows PWs.1 to 3 and the petitioner/accused, who are the residents of his village. He deposed that on hearing noise from the house of PW.3, he along with LW5 went there and found that the door was bolted from inside. They broke open the door and found that the deceased died by self strangulation. He categorically deposed that he do not know the reason as to why the deceased committed suicide by self strangulation.

23. PW.5 deposed on the same line as of PW.4. He also categorically deposed that he do not know the reason as to why the deceased committed suicide by self strangulation. PW.6 is the photographer, who took photographs of the deceased.

24. PW.7 is the uncle of the deceased. He deposed that neither the petitioner/accused nor his family were questioned about the teasing and harassment of the petitioner/accused. He deposed that after

twenty days of the death of the deceased, an amount of Rs.34,000/- and gold ornaments were paid by PW.8 to the parents of the deceased. It was suggested to this witness that the deceased came to him and informed that PW.8 wanted to remarry as he did not have any children. It was also suggested to this witness that he beat the deceased and told her to live or die in her in-laws house.

25. PW.8 is the husband of the deceased. He deposed that the deceased informed him about the harassment of the petitioner/accused only one day prior to her death. He further deposed that he had not called either the petitioner/accused or his parents to enquire about the same. He further deposed that he has not given police complaint after the death of the deceased. He deposed that after the death of the deceased, a panchayat was held and he gave Rs.34,000/- cash and gold to the parents of the deceased.

26. PW.9 deposed that he knows PWs.1 to 8, the deceased and the petitioner/accused. He deposed that one day earlier to the incident, the deceased came to him weeping and informed that the petitioner/accused was teasing and following her wherever she goes. On that, he told the deceased that they would discuss the issue after her father comes. On the next day, he came to know that the deceased died by self strangulation.

27. PW.10 also deposed on the same lines as that of PW.9. PW.11 did not speak anything incriminating against the petitioner/accused in his examination-in-chief. Hence, he was declared hostile and was cross-examined, wherein, he denied the suggestion that he stated before the police that the deceased committed suicide due to harassment of the petitioner/accused.

28. PW.12 is a witness for Ex.P7-scene of offence panchanama and Ex.P8-inquest panchanama. He deposed that police conducted scene of offence panchanama and also inquest panchanama over the dead body of the deceased in his presence and he signed on the same. PW.13 is also a witness to Ex.P8-inquest panchanama. PW.14 is MRO, who conducted inquest over the dead body of the deceased in the presence of PWs.12 and 13. PW.15 is the doctor who conducted autopsy over the dead body of the deceased. He opined that cause of death is 'asphyxia due to hanging'. He deposed that the deceased died between 24 to 48 hours prior to Post-mortem Examination. He issued Ex.P10-PME Report. PW.16 is the Head Constable. According to him, he received Ex.P1-complaint from PW.1, registered a case in Crime No.66/2004, issued Ex.P.11-FIR, recorded the statements of PWs.1 to 7, conducted scene of offence panchanama, got conducted inquest over the dead body of the deceased by PW.14.

29. Coming to the evidence adduced on behalf of the petitioner/accused, DW.1 is a resident of Gopalpet and he is an agriculturist. He deposed that the deceased is his caste lady. The deceased was issueless and as such, there were disputes between her in-laws and her parents. Husband of the deceased wanted to contact second marriage to which, the deceased did not accept. The father-in-law of the deceased sent the deceased to her parents' house. At that time, her parents were not present and her junior paternal uncle (PW.7) was present. He told the deceased that since she is already married to PW.8, it is for her to accept or not to accept the second marriage of PW.8 and to live or die in the house of her in-laws. At about 02:00 PM, the father of the deceased came from Hyderabad and called the elders of the village. He along with DW.2, DW.4 and others went there. All the elders went to beat PW.8 and they advised the parents of the deceased to take Rs.30,000/- of dowry, Rs.60,000/- and gold articles. Both the parties accepted the same. The said amount was paid on the same day night. DW.1 categorically deposed that in the whole panchayat, there was no subject or occasion to discuss with regard to the harassment of the petitioner/accused. DW.1 further deposed that there were some disputes between the family of petitioner/accused and family of deceased with regard to cattle belonging to the petitioner/accused entering into the land of the deceased's family and damaging the crop. DW.1 further deposed that

in order to avoid criminal case against PWs.7 and 8, the subject criminal case was registered against the petitioner/accused and that there was no occasion of the petitioner/accused teasing the deceased. In his cross-examination, DW.1 denied the suggestion that he is deposing false to help the petitioner/accused.

30. DW.2 is another person belonging to the same village. He deposed that he is a friend of PW.8. On the date of death of the deceased, he along with DW.1, DW.4 and others held panchayat in the night. The father of the deceased came from Hyderabad and quarreled with the husband of the deceased and his father. The father of deceased demanded to pay Rs.1,00,000/-, but the panchayat elders decided to pay Rs.60,000/- apart from gold and silver kadiyalu and got handed over the same to the father of the deceased on the same day night. DW.2 categorically deposed that there was no occasion or issue in the panchayat with regard to the petitioner/accused harassing the deceased. This witness also spoke about the disputes between the family of the petitioner/accused and the family of deceased with regard to cattle entering into the lands of family of deceased and damaging the crop. DW.2 further deposed that PW.8 wanted to contact second marriage to which, deceased did not accept. In that connection, panchayat was held for two to three times. On the date of incident, in the morning time, the deceased went to her parents and her parents were not available at home. Her junior paternal uncle (PW.7) was

available at home, who abused the deceased and sent her back to her in-law's house. DW.2 further deposed that he and PW.8 are close friends, but PW.8 never informed him about the petitioner/accused harassing the deceased. The petitioner/accused never harassed or teased the deceased, either on the date of her death or prior to that.

31. DW.3 and DW.4 also deposed in similar lines as that of DW.1 and DW.2.

32. The witnesses got examined on the side of the petitioner/accused are villagers and all of them are independent witnesses. They are neither related to the petitioner/accused nor to the family of the deceased. All of them have categorically deposed that there were disputes between the deceased and her husband (PW.8), as PW.8 wanted to remarry to have children to which, the deceased opposed. According to DWs.1 to 4, when the deceased informed the same to her junior paternal uncle (PW.7), he beat her and told the deceased to live or die in her in-laws house. It is also their testimony that in the panchayat held after the death of the deceased, all the elders went to beat PW.8 and the parents of the deceased took back the dowry amount and the gold ornaments. They further deposed that the petitioner/accused is having pigs in his land and his land is near to the land of the parents of the deceased. The pigs of the petitioner/accused went into the land of the parents of the deceased and damaged the

crop and therefore, there were disputes with regard to the same between the two families. Further, DWs.1 to 4 categorically deposed that in the panchayat conducted immediately after the death of the deceased, there was no subject or occasion for discussion with regard to the petitioner/accused harassing the deceased. DWs.1 to 4 further stated in their evidence that a false case was registered against the petitioner/accused, in order to avoid criminal case against PWs.7 and 8. The evidence of DWs.1 to 4 was not shaken in their cross-examination. There is consistency and corroboration in the evidence of these witnesses. The Court below, having believed the oral evidence of PWs.1, 2, 7 and 8, disbelieved the evidence of the defence witnesses on the ground that the same was only oral evidence and not supported by any documents. It has to be seen that PWs.1, 2, 7 and 8 deposed that they have not held any panchayat or lodged a report with the police with regard to the alleged harassment of the petitioner/ accused. It is common knowledge that any husband would not keep quiet if his wife informs him that she is being teased and harassed by another person. His natural reaction would be to call the person so teased or harassed his wife and reprimand him or to lodge a complaint with the police with regard to the same. Conspicuously, that was not done in the instant case. In the instant case, when the deceased informed PW.8 about the alleged teasing and harassment by the petitioner/accused, he asked her to wait till her father comes to the

village. The same appears to be unnatural. Further, DW.2 deposed in his evidence that he and PW.8 are close friends, but PW.8 never informed him about the petitioner/accused harassing the deceased. Further, all the prosecution witnesses in the instant case, who have deposed, have only stated what, according to them, was told to them by the deceased with respect to the harassment meted out to her by the petitioner/accused. None of these statements comes within the purview of Section 32(1) of Evidence Act and hence, they are not admissible in evidence. Further, the evidence of PWs.1, 2, 7 and 8 reveal that they did not remove the deceased hanging to the rope and did not take her to hospital. Instead, they deposed that a panchayat was held and the parents of the deceased (PWs.1 and 2) demanded cash and gold from PW.8. PW.8 deposed in his evidence that he returned Rs.34,000/- cash and gold to the parents of the deceased. It is after this transaction that PW.1 went to the police station and lodged Ex.P1 report, that too with an unexplained delay of one day. This goes to show that PWs.1 and 2 were aware that the deceased committed suicide due to threat of second marriage from PW.8. If really PWs.1 and 2 suspected the petitioner/accused for the death of the deceased, they would have immediately lodged a report against him and would not have held a panchayat and taken back the dowry amount and gold articles. Further, in the instant case, the alleged harassment was one month prior to the death of the deceased. There is no proximity or live

link between the alleged harassment and the suicide of the deceased. In the absence of the same, it cannot be said that the petitioner/accused has abetted the suicide of the deceased.

33. In the absence of cogent, convincing and overwhelming evidence that the petitioner/accused intended the consequences of the act, namely, suicide and abetted the deceased to commit suicide within the meaning of Section 107 of IPC, his conviction under Section 306 of IPC cannot sustain. To constitute abetment and involvement of the accused, aiding or instigating the commission of suicide is imperative. Continuity, culpability as well as complicity of the omissions or actions are ingredient parts of abetment, which are patently absent in the instant case. In the given facts and circumstances of the case, I am of the opinion that there are no circumstances to conclude that the petitioner/accused is liable to be convicted for the offence under Section 306 of IPC. There is no proof of direct or indirect acts of incitement to the commission of suicide on the part of the petitioner/accused. There is no legally acceptable evidence to hold that the petitioner/accused had played an active role by an act of instigation to facilitate the commission of suicide by the deceased. There is no evidence, much less cogent and convincing evidence, to conclude that the petitioner/accused had a clear *mens rea* to commit the alleged offence. The evidence led by the prosecution is not sufficiently convincing, incriminating and consistent with the guilt of the

petitioner/accused with regard to accusation that the petitioner/accused abetted the deceased to commit suicide. The judgment of the Court below is perverse and untenable in law and thus warrants interference of this Court under Sections 397 & 401 of Cr.P.C. The Court below ought not have convicted the accused of the offence under Section 306 of IPC. Having regard to the totality of the circumstances, this Court deems it appropriate to extend benefit of doubt to the petitioner/accused and acquit him of the offence under Section 306 of IPC.

34. For the foregoing reasons, the Criminal Revision Case is allowed. The conviction and sentence imposed against the petitioner/accused for the offence under Section 306 of IPC vide judgment, dated 12.03.2008, passed in Criminal Appeal No.102 of 2007 by the I Additional Sessions Judge, Mahabubnagar, is hereby set aside and the petitioner/accused is acquitted of the said charge. Bail bonds of the petitioner/accused shall stand cancelled and the fine amount, if any, paid by him shall be refunded to him.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand closed.

JUVVADI SRIDEVI, J

14th September, 2022

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