

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-AS-16-2020 (O&M)
Decided on : 09.01.2023

Santosh Devi

..... Appellant

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mukesh Yadav, Advocate
for the appellant.

Manjari Nehru Kaul, J.(Oral)

The appellant is impugning the judgment dated 07.11.2019 passed by Addl. Sessions Judge, Narnaul vide which the private respondents were acquitted of the charges framed against them under Section 306/34 IPC in FIR No.185 dated 10.10.2013 registered at Police Station Ateli District Mohindergarh.

As per the allegations levelled in the FIR in question, deceased Babu Lal was married with respondent No.2, however, ever since their marriage, the deceased would remain perturbed as respondents No.3 and 4 i.e. father and brother of respondent No.2 would intimidate him. The deceased, who was employed with Assam Rifles, visited his village on 06.08.2012 and on the following day i.e. 07.08.2012, a scuffle allegedly took place between the deceased and respondent No.2-wife, who, then, after threatening the deceased, abandoned him. Resultantly, on account of the harassment meted out, the deceased committed suicide by consuming some

poisonous substance on 08.08.2012. On 09.08.2012, a suicide note was recovered from the bed of the deceased by the complainant, which then formed the basis of the FIR in question.

Learned counsel for the appellant has vehemently argued that the trial Court fell into error in not appreciating the evidence adduced during the trial including the suicide note Ex.P-9, which was left behind by the deceased wherein he had categorically levelled allegations against the private respondents. Learned counsel has submitted that the Court still further erred in arriving at a conclusion that the deceased was hyper sensitive, which apparently could have been the reason behind his suicide. Learned counsel still further submits that the deceased had returned to his village just couple of days prior to the occurrence in question and soon after his return, accused-respondent No.2 had not only threatened the deceased but also harassed him to such an extent with the active connivance of her father and brother i.e. Respondents No.3 and 4 respectively that the deceased being fed up was driven to end his life.

Heard learned counsel for the appellant and gone through the impugned judgment.

It would be worthwhile to notice here that subsequent to the complaint given by the complainant, the investigating agency recorded the statements of various witnesses and on the basis of the material collected, it was concluded by the investigating agency that since the complainant had not raised suspicion qua anyone soon after the death of the deceased and the allegations had been levelled against the accused only on account of a dispute in the family qua the distribution of the service benefits of the

deceased, a cancellation report was prepared and forwarded to the Court of Area Magistrate.

The complainant thereafter filed a Protest Petition against the cancellation report prepared by the investigating agency and it was then the accused-respondents were summoned to face trial under Section 306/34 IPC.

It is a matter of record that the initial story set up by the complainant Shiv Sahai, father of deceased (PW-1), while getting his statement Ex.DA recorded soon after the occurrence in question was that on 06.08.2012 when the deceased came to his village on leave, he was running fever and his wife i.e. Respondent No.2 had gone to her parental home on 07.08.2012 for some personal work. After taking dinner, the deceased went to his room for taking medicine for his fever, however, the electricity went off, inadvertently, the deceased then consumed poison instead of medicine. Strangely, however, while filing the complaint Ex.PW-1/A, the complainant made material improvements and propounded the story of a suicide note having been left behind by the deceased blaming the three accused-respondents for his suicide. The trial court rightly held that the complainant PW-1 had taken a 'U' turn after recording his first version Ex.DA, more so, when he had not disputed his signatures on Ex.DA. It would also be pertinent to point out as was also rightly observed by the trial Court and admitted by the complainant during his deposition as PW-1 that subsequently a dispute had indeed arisen between the complainant-party and the accused with respect to the apportionment of the policy amount of the deceased. Still further, it was not even disputed that a civil suit had been

instituted by respondent No.2 i.e. wife of the deceased qua some agricultural land against the complainant after the suicide of her deceased husband. Though a great deal of stress was laid by the learned counsel appearing for the appellant on the suicide note Ex.P-9 wherein the deceased allegedly blamed the private respondents for his suicide, however, strangely the said suicide note, was neither handed over to the police on the date of the alleged occurrence with the original complaint nor later on to the investigating agency during investigation.

Be that as it may, even assuming for the sake of arguments that the alleged suicide note was in fact left behind by the deceased wherein he blamed the private respondents for his suicide, the question which would arise for consideration is as to whether its contents would attract the mischief of Section 306 IPC. A mere allegation by the deceased of being harassed by the accused in the suicide note would not by itself amount to abetment of suicide under Section 306 IPC as it has to be backed by mens rea supported by some visible proof from which it could be gathered that the provocation on the part of the accused was intentional so as to instigate the deceased to end his life. As per the admitted case of the complainant, the deceased had arrived in his village just two days prior to the occurrence in question. This Court in fact has no hesitation in concurring with the observations made by the trial court that the deceased did appear to be a highly sensitive person and on account of the same ended his life by suicide.

As a sequel to above, this Court does not find any ground to interfere in the impugned judgment dated 07.11.2019 passed by Court

below as the same comes across as being a well reasoned one. The present appeal stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

09.01.2023
sonia

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No