

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-A-2377-MA of 2017

Date of decision: 6th July, 2023

Krishna

...Applicant

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sachit Khurana, Advocate for the applicant.

AVNEESH JHINGAN, J (Oral):

1. This is an application for grant of leave to appeal against the judgment acquitting the accused in Complaint Case No. 22T/9.5.2012/17.4.2014.

2. The facts shorn off unnecessary details are that the applicant filed a complaint stating that her husband-Ramesh Kumar Arora (deceased) committed suicide on 9.3.2010. A suicide note was recovered from the dicky of the scooter of the deceased bearing registrationNo. PB -11D-0349. As per the contents of the suicide note, the accused were responsible for the death of the deceased. The deceased committed suicide by jumping in front of the train. In the FIR registered, cancellation report filed by the police was accepted and thereafter the complaint was filed.

3 The trial court summoned the accused, after considering the facts and appreciating the evidence adduced concluded that the allegation of abetment to commit suicide was not proved. While acquitting the

accused, following aspects were considered:

- (i) As per the deposition of the complainant and her son, the deceased was under tension as the accused, (i.e. the subordinate staff in State Bank of Patiala, Nabha Branch where the deceased was Chief Manager) were not properly discharging their official duties. Further that inspecting team of Reserve Bank of India recovered counterfeit currency worth Rs.14,100/- from the cash chest.
- (ii) The deceased used to work late till night at home to complete the work.
- (iii) No motive was proved for abetment of suicide.
- (iv) The allegation of conspiracy hatched by the accused against the deceased was not substantiated.
- (v) The deceased had not to record Annual Confidential Reports of the accused as also that non-performance of official duties by the accused was never reported to the higher authorities.
- (vi) The allegation that counterfeit currency was planted by the accused in cash chest was not taken to the logical end. The deceased had neither reported to the higher authorities nor got registered an FIR, though the successor of the deceased got an FIR lodged.
- (vii) The suicide note neither gave any detail with regard to abetment by the accused nor the reason for abetment. It only mentioned that subordinate staff along with RBI official were conspiring against the deceased.

4. Learned counsel for the applicant submits that the lower court erred in acquitting the accused and the deposition of the complainant and

her son was not appreciated in a proper manner.

5. Heard learned counsel for the applicant.

6 The ingredients of Section 306 IPC have been dealt in *M. Arjunan v. State, represented by its Inspector of Police, (2019) 3 SCC 315*. The same are reproduced below:

“8. The essential ingredients of the offence under Section 306 I.P.C. are: (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 I.P.C.”

7. The scope for interference in appeal against acquittal is well settled. A Division Bench of this Court in **State of Punjab v. Hansa Singh, 2001 (1) RCR (Criminal) 775**, while dealing with an appeal against acquittal held:

“We are of the opinion that the matter would have to be examined in the light of the observations of the Hon'ble Supreme Court in Ashok Kumar v. State of Rajasthan, 1991(1) SCC 166, which are that interference in an appeal against acquittal would be called for only if the judgment under appeal were perverse or based on a mis-reading of the evidence and merely because the appellate Court was inclined to take a different view, could not be a reason calling for interference.”

8. The conclusion arrived at by the trial court is plausible one and does not suffer from perversity. The deposition of the complainant and her son had not proved abetment of suicide. The trial court rightly concluded that the deposition only pointed out that the deceased was over burdened with work; he was not satisfied with the performance of subordinate staff in discharging the official duties; he had an apprehension that the subordinate staff along with RBI official conspired against him and planted the counterfeit currency in cash chest.
9. No case is made out for interference.
10. The application for grant of leave to appeal is dismissed.

[AVNEESH JHINGAN]
JUDGE

6th July, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |