



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

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**CRA-S-3286-SB-2015(O&M)
Decided on : 15.05.2025**

ASHOK KUMAR

... Appellant(s)

Versus

STATE OF PUNJAB & ANR

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Brijesh Nandan, Advocate
for the appellant.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. The present appeal has been preferred against judgment dated 26.05.2015 passed by the learned Additional Sessions Judge, Jalandhar, whereby respondent No.2 was acquitted in the case FIR No.60 dated 24.07.2013 under Sections 306 of IPC, and convicted only for charges under Section 498-A IPC and sentenced to undergo RI for 1 ½ years along with payment of a fine of Rs.2,000/-.

2. Brief factual matrix of the case at hand is that an FIR was registered on the statement made by the appellant-father of the deceased, that his daughter whose marriage was solemnized with respondent No.2 on 16.01.2011, was subjected to harassment and beatings due to demands for dowry and was frequently taunted and humiliated for not bearing a child. On 11.12.2012, the complainant was told that his daughter was emotionally distressed. On



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12.12.2012, daughter of the complainant was taken to the civil hospital by her in-laws when she complained of ill health where she passed away on the next date i.e. 13.12.2012. The chemical examiner's report dated 14.03.2013 revealed the presence of organophosphorus (a toxic substance commonly found in insecticides) in the viscera of the deceased, indicating that the cause of death was unnatural. Investigation was carried out and respondent No. 2 was made to face trial under Section 306 IPC, but was acquitted of the said charge vide the impugned judgment dated 26.05.2015. Aggrieved by the same, the present appeal has been preferred.

3. Learned counsel for the appellant submits that the trial Court committed a grave error in disregarding the fact that the deceased had died an unnatural death in her matrimonial home, that too under compelling circumstances. The evidence led by the prosecution witnesses during trial fully supported the case that the deceased committed suicide being upset from the harassment for dowry that she was constantly subjected to. Infact, the allegations of demand for dowry were proved before the learned trial Court, which convicted respondent No.2 for the same under Section 498-A. Even the medical report dated 14.03.2013 by the chemical examiner reflected the presence of organophosphorous in the viscera of the deceased. Therefore, the trial Court has erred in acquitting respondent No.2 under Section 306 IPC.

4. Learned State counsel submits that the offence under Section 498-A was proved to have been committed by respondent No.2 and even the appellant/complainant in his testimony as PW-2 stated that he gave Rs.50,000/- to his deceased daughter on the demand made by respondent No.2 and her in-laws. It was thus that respondent No.2 was convicted under Section 498-A to undergo



rigorous imprisonment for a period of 1 ½ year along with a fine of Rs.2000/-.

Learned State counsel further confirms that according to the viscera report of the deceased dated 14.03.2013, presence of organophosphorous was detected. However, the respondent No.2 was acquitted of the charge under Section 306 IPC.

5. Heard the contentions advanced the learned counsel for the parties and perused the judicial file.

6. At the outset, it would be apposite to discuss the offence of abetment of suicide as contained under Section 306 of the IPC which reads thus:

Section 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.

7. Trite to say that in order to establish an offence under Section 306 IPC, the prosecution must prove that the person who is said to have abetted the commission of suicide, has played an active role in the same. The Supreme Court in “**Jayedeesinh Pravinsinh Chavda v. State of Gujarat**”, 2024 SCC OnLine SC 3679, while expatiating on the said provision, observed thus:

“23. The act of abetment must be explicitly demonstrated through actions or behaviors of the accused that directly contributed to the victim's decision to take their own life. Harassment, in itself, does not suffice unless it is accompanied by deliberate acts of incitement or facilitation. Furthermore, these actions must be proximate to the time of the suicide, showcasing a clear connection between the accused's behavior and the tragic outcome. It is only through the establishment of this direct link that a conviction under Section 306 IPC can be justified. The prosecution bears the burden of proving this active involvement to hold the accused accountable for the alleged abetment of suicide. The same position has been laid down by this court in several judgments, such as:

i. M. Mohan v. State⁷;

ii. Amalendu Pal alias Jhantu v. State of West Bengal⁸;



iii. Kamalakar v. State of Karnataka⁹.

24. Therefore, for a conviction under Section 306 IPC, there must be clear evidence of direct or indirect acts of incitement to commit suicide. The cause of suicide, especially in the context of abetment, involves complex attributes of human behavior and reactions, requiring the Court to rely on cogent and convincing proof of the accused's role in instigating the act. Mere allegations of harassment are not enough unless the accused's actions were so compelling that the victim perceived no alternative but to take their own life. Such actions must also be proximate to the time of the suicide. The Court examines whether the accused's conduct, including provoking, urging, or tarnishing the victim's self-esteem, created an unbearable situation. If the accused's actions were intended only to harass or express anger, they might not meet the threshold for abetment or investigation. Each case demands a careful evaluation of facts, considering the accused's intent and its impact on the victim."

8. Reverting to the case at hand, admittedly there was a bereavement in the paternal family of the deceased since the massi and sister-in-law of the deceased had passed away shortly before her death. It was also admitted that no complaint had been moved before the panchayat or the investigating agency alleging harassment of the deceased at the hands of the accused. The allegation that the deceased was being harassed for not being able to bear a child was sought to be negated by the testimony of DW-1 Surinder Kaur, Auxiliary Nurse Midwife at Primary Health Centre Mehtapur, Jalandhar who stated that as per their record, the wife of respondent No.2 was pregnant. Further, it was deposed by DW-2 Sarpanch of the village that there was no dispute between the deceased and respondent No.2, and that the mother and the sister of the deceased used to live with her in the house of respondent No.2 during her lifetime. In her cross examination, mother of the deceased admitted that her daughter had stayed with her for two months prior to her death, and also that one day prior to her daughter's death, she had stayed with the



deceased in respondent No.2's house and was with her right till the time that she passed away, which fact was corroborated in the cross examination of the complainant-father of the deceased. No dispute or quarrel between respondent No.2 and the prosecutrix was stated to have erupted before the unfortunate death of the daughter of the complainant -appellant. Though the viscera report of the deceased dated 14.03.2013 revealed the presence of organophosphorus, however, there is no evidence on record to link the consumption of the same by by the deceased to any act of respondent no.2. Therefore, prosecution was not able to prove abetting, or facilitation by, or active involvement of respondent No.2 so as to hold him accountable for the alleged abetment of suicide leading to the acquittal of respondent No.2 under Section 306 IPC. However, on the allegations of harassment being proved by the testimonies of the parents of the deceased as prosecution witnesses whereby they had stated that their daughter was subjected to cruelty, and was also deposed that the complainant-father of the deceased had given Rs.50,000/- to the deceased on the demands raised by the accused, the learned trial Court by placing reliance on the judgment of the Hon'ble Supreme Court passed in ***Gopal v. State of Rajasthan 2010 (4) RCR (Criminal) 458***, convicted respondent No.2 under Section 498-A to undergo rigorous imprisonment for a period of 1 ½ year along with a fine of Rs.2000/-.

9. Following the observations made by its Constitution Bench in ***M.G. Agarwal v. State of Maharashtra (1963) 2 SCR 405***, the Supreme Court ***in Ghurey Lal v. State of UP (2008) 10 SCC 450*** laid down the aforesaid principles:



"69. The following principles emerge from cases

1. The Appellate Court may review the evidence in appeals against acquittal under sections 378 and 386 of the Criminal Procedure Code, 1973. Its power of reviewing evidence is wide and the appellate court can re-appreciate the entire evidence on record. It can review the trial court's conclusion with respect to both facts and law.

2. The accused is presumed innocent until proven guilty. The accused possessed this presumption when he was before the trial court. The trial court's acquittal bolsters the presumption that he is innocent. 3. Due or proper weight and consideration must be given to the trial court's decision. This is especially true when a witness' credibility is at issue. It is not enough for the High Court to take a different view of the evidence. There must also be substantial and compelling reasons for holding that the trial court was wrong.

70. In light of the above, the High Court and other appellate courts should follow the well-settled principles crystallized by number of judgments if it is going to overrule or otherwise disturb the trial court's acquittal:

1. The appellate court may only overrule or otherwise disturb the trial court's acquittal if it has "very substantial and compelling reasons" for doing so. A number of instances arise in which the appellate court would have "very substantial and compelling reasons" to discard the trial court's decision. "Very substantial and compelling reasons" exist when:

- i. The trial court's conclusion with regard to the facts is palpably wrong;*
- ii. The trial court's decision was based on an erroneous view of law;*
- iii. The trial court's judgment is likely to result in "grave miscarriage of justice";*
- iv. The entire approach of the trial court in dealing with the evidence was patently illegal;*
- v. The trial court's judgment was manifestly unjust and unreasonable;*
- vi. The trial court has ignored the evidence or misread the material evidence or has ignored material documents like dying declarations/report of the ballistic expert, etc. vii. This list is intended to be illustrative, not exhaustive.*

2. The Appellate Court must always give proper weight and consideration to the findings of the trial court.

3. If two reasonable views can be reached - one that leads to acquittal, the other to conviction-the High Court's/ Appellate Courts must rule in favor of the accused."



10. Having perused the facts of the case as also the findings recorded by trial Court, this Court is of the considered opinion that in the case in hand, there is no infirmity or irregularity in the impugned order whereby trial Court has acquitted respondent No.2 under Section 306 IPC. The same being speaking, well reasoned and based upon correct appreciation of facts, applicable law & judicial precedents, needs no interference. As a corollary, the present appeal stands dismissed.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

15.05.2025

Kavita

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*