AKHILESH BEOHAR
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HIGH COURT OF CHHATTISGARH AT BILASPUR

THE DATE WHEN THE CASE IS RESERVED	THE DATE WHEN THE JUDGMENT IS PRONOUNCED	THE DATE WHEN THE JUDGMENT IS UPLOADED ON THE WEBSITE	
		Operative	**Full**
15.10.2026	29.10.2026	****	29.10.2026

CRA No. 293 of 2026

- Mobarak Ansari, S/o Kalim Ansari, aged about 20 Years, R/o Village-Gamhariya, Chowki Vijaynagar, P.S. Ramanujganj, Distt.- Balrampur-Ramanujganj C.G.

...Appellant

versus

- State of Chhattisgarh, Through Station House Officer Vijaynagar, P.S. Ramanujganj, Distt.- Balrampur-Ramanujganj C.G.

... Respondent

For Appellant	:	Mr. Sudhir Sharma, Advocate.
For Respondent/State	:	Mr. Krishna Gopal Yadav, Deputy Government Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

C A V Judgment

1. This criminal appeal has been preferred by the appellant under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS, 2023'), calling in question the legality, validity and correctness of the judgment of conviction and order of sentence dated 13.01.2026 passed by the learned Sessions Judge, Balrampur, place at Ramanujganj (C.G.) (hereinafter referred to as 'the trial Court'), in

Sessions Trial No. 66/2021, whereby the appellant has been convicted for the offence punishable under Section 306 of Indian Penal Code, 1860 (for short, 'the IPC'), and sentenced to undergo rigorous imprisonment for seven years with a fine of Rs.500/-, and, in default of payment of fine, to undergo further rigorous imprisonment for fifteen days.

2. Case of the prosecution, in brief, is that on 16.03.2021, PW-4 Ashrafi Yadav, uncle of the deceased, lodged a merg intimation (Ex.P-16) at Police Station Vijaynagar, stating that his niece, Kumari Punita (deceased), had been found hanging by a dupatta in a room of her house and had died for unknown reasons. On the basis of the said information, the police initiated an enquiry into the circumstances surrounding her death. Thereafter, the police conducted the inquest proceedings, prepared the inquest panchnama vide Ex.P-15 and sent the dead body for post-mortem examination. Dr. Sharad Chandra Gupta (PW-11), who conducted the post-mortem examination, opined that the cause of death of deceased was asphyxia due to hanging and that the nature of death of deceased was suicidal. He prepared the post-mortem report vide Ex.P-14.

2.1. During the course of enquiry, it was revealed that the deceased and the appellant, who resided in the neighbourhood, were acquainted with each other and used to communicate through mobile phones. The prosecution alleged that the appellant had secretly recorded a video of the deceased while she was taking a bath and thereafter started pressurising her to establish physical relations with him by threatening to circulate the said video. It was further alleged that, upon coming to

know of the incident, the family members of the deceased convened a meeting in the village on 13.01.2021, which was attended by the appellant and his family members. During the said meeting, the appellant allegedly admitted his mistake, deleted the video from his mobile phone and assured the persons present that he would not repeat such conduct. His parents also allegedly tendered an apology and assured the family members of the deceased that no such incident would recur. According to the prosecution, despite the aforesaid meeting and assurance, the appellant continued to harass the deceased. Allegedly being distressed by such conduct, deceased committed suicide on 16.03.2021. Thereafter, an FIR (Ex.P-1) was registered against the appellant for the offence punishable under Section 306 of IPC.

2.2. During the course of investigation, police recorded the statements of the witnesses and arrested the appellant vide arrest memo Ex.P-9. Memorandum statement of the appellant was recorded vide Ex.P-10, pursuant to which, a mobile phone of MI company was seized vide Ex.P-11. Investigating Officer also prepared the spot map vide Ex.P-6. Mobile phone of the deceased was seized vide Ex.P-7, her progress report card and Class VIII mark-sheet were seized vide Ex.P-2. Admission and discharge register of the school was seized vide Ex.P-8. *Dupatta* allegedly used in the incident was seized from the spot vide Ex.P-17. Seized articles were forwarded to the Forensic Science Laboratory for examination vide Ex.P-19. Upon completion of the investigation, police filed a charge-sheet against the appellant for the offence punishable under Section 306 of IPC.

3. The learned trial Court framed a charge against the appellant for the offence punishable under Section 306 of IPC. Appellant denied the charge and claimed to be tried.

4. In order to prove its case, the prosecution examined thirteen witnesses and exhibited nineteen documents. The statement of the accused/appellant under Section 351 of the BNSS was recorded, wherein he denied the incriminating circumstances appearing against him, claimed to be innocent, and alleged false implication. However, the appellant did not examine any witness in his defence.

5. The learned trial Court, after hearing the parties and appreciating the oral and documentary evidence available on record, convicted and sentenced the appellant in the manner stated in paragraph 1 of this judgment. Being aggrieved by the impugned judgment of conviction and order of sentence, the appellant has preferred the present appeal.

6. Learned counsel for the appellant submits that the appellant and the deceased were neighbours and were in a love relationship. They intended to marry each other, but their family members were opposed to their marriage as they belonged to different communities. He further submits that none of the prosecution witnesses stated that they had seen any photograph or video of the deceased on the appellant's mobile phone. Therefore, the allegation that the appellant had recorded a video of the deceased while she was taking a bath is not established. He also submits that the deceased committed suicide after more than two and a half months from the date of the alleged meeting held in the village, during which, the appellant had allegedly deleted the video from his mobile phone. Therefore, there was no close proximity

between the alleged act of the appellant and the suicide committed by the deceased, nor was there any instigation on the part of the appellant to commit suicide.

6.1. Learned counsel further submits that the grand-mother of the deceased (PW-3) herself admitted that the family members were opposed to their marriage because they belonged to different communities. He also submits that the deceased committed suicide on 16.03.2021, i.e., one day prior to the appellant's marriage, as admitted by the father of the deceased (PW-1). This indicates that the deceased wanted to marry the appellant, but her family members were opposed to the marriage, and the appellant was going to marry another girl. Therefore, the possibility that the deceased committed suicide because she could not marry the appellant cannot be ruled out. Learned counsel lastly submits that the prosecution has failed to prove that the appellant abetted the deceased to commit suicide. Hence, the impugned judgment of conviction and order of sentence passed by the learned trial Court deserve to be set aside, and the appellant deserves to be acquitted of the said charge. In support of his submissions, learned counsel for the appellant places reliance upon the decision of the Supreme Court in ***Prakash and Others v. State of Maharashtra and Another,*** reported in ***(2026) 6 SCC 251***, and the decisions of this Court in ***State of Chhattisgarh v. Ravi Kumar Sahu,*** passed on 26.09.2026 ***in CRR No. 642 of 2021; Kamal Kumar and Another v. State of Chhattisgarh,*** decided on 26.06.2025 in ***CRA No. 441 of 2016; Golu Sahu @ Manoj Sahu and Others v. State of Chhattisgarh,*** decided on 24.03.2026 ***in CRA No. 1597 of 2016 and other connected***

matters; and Premsingh v. State of Chhattisgarh, passed on 05.02.2025 in ***CRA No. 649 of 2007***.

7. Per contra, learned counsel for the State submits that the prosecution witnesses have established that the appellant had recorded a video of the deceased while she was taking a bath and had been pressurising her to establish physical relations with him by taking undue advantage of the said video. Consequently, the deceased remained under continuous mental trauma, which led her to commit suicide. Hence, the appeal filed by the appellant deserves to be dismissed.

8. I have heard learned counsel for the parties and perused the material available on record.

9. The first question for consideration is whether the death of deceased- Kumari Punita was suicidal in nature.

10. PW-2 Mamta, sister of the deceased, and PW-3 Panbarsi, grand-mother of the deceased, have stated in their depositions that when they woke up in the morning on 16.03.2021, they found the deceased hanging by a *dupatta* in her room. Their statements are corroborated by the inquest *panchnama* (Ex. P-15) and the *merg* intimation (Ex.P-16), which support the prosecution case regarding the circumstances in which the deceased was found. Further, the post-mortem report (Ex.P-14) and the testimony of Dr. Sharad Chandra Gupta (PW-11), who conducted the post-mortem examination of the deceased, establish that the cause of death of the deceased was asphyxia due to hanging. Dr. Gupta (PW-11) also opined that the death of the deceased was suicidal in nature. Thus, the oral and documentary

evidence, coupled with the medical evidence, establishes that the death of the deceased was suicidal in nature.

11. The next question for consideration is whether the appellant abetted the deceased to commit suicide.

12. Before examining the material available on record, it would be apposite to refer to the statutory provisions governing the offence alleged against the respondent/accused. Section 306 of IPC provides for punishment for abetment of suicide and reads as under:

> **"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.**"**

13. The expression "abetment" is defined under Section 107 of IPC, which reads as under:

> "**107. Abetment of a thing.**—A person abets the doing of a thing, who—
> **First**.—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."

14. Thus, Section 306 of IPC has to be read conjointly with Section 107 thereof. The statutory scheme requires the existence of an act of instigation, conspiracy or intentional aid, accompanied by the requisite mens rea for abetment of the commission of suicide. It is well settled law that for attracting Section 306 read with Section 107 of IPC, there

must be direct or indirect instigation in close proximity to the commission of suicide and a clear mens rea to abet the commission of suicide.

15. The expression “instigation” has been considered by the Hon'ble Supreme Court in ***Ude Singh v. State of Haryana, (2019) 17 SCC 301***, wherein it has been observed that instigation means to goad, urge forward, provoke, incite or encourage a person to do an act. Though actual words of instigation are not indispensable, a reasonable certainty to incite the consequence must be capable of being spelt out from the conduct of the accused. The Hon'ble Supreme Court has further observed that, where the acts or omissions or continued course of conduct of the accused create such circumstances that the deceased is left with no other option except to commit suicide, instigation may be inferred.

16. In ***Prakash (supra)***, the Hon'ble Supreme Court has reiterated that Section 306 of IPC has two basic ingredients, namely, the commission of suicide and abetment thereof by another person. It has been held that, in order to sustain an accusation under Section 306 of the IPC, it must necessarily be shown that the accused contributed to the suicide by some direct or indirect act satisfying one of the three conditions enumerated under Section 107 of IPC. It has further been emphasized that the act of instigation or incitement must be in close proximity to the commission of suicide, disclose clear mens rea to abet the commission of suicide and **place the victim in such a position that he/she would have no other option but to commit suicide**.

17. Recently, in ***Abhinav Mohan Delkar v. State of Maharashtra & Ors., (2026) 6 SCC 233***, the Hon'ble Supreme Court has explained

that even where there is an allegation of constant harassment continuing over a period of time, the ingredients of Section 306 read with Section 107 of IPC would not be attracted unless there is a proximate prior act from which it can clearly be found that the suicide was the direct consequence of such continuous harassment. **The Court has observed that the last proximate incident must be such as to have finally driven the deceased to take the extreme step**. It has further been held that mere continuous harassment followed by suicide cannot, by itself, result in a finding of positive instigation, and mens rea cannot be inferred merely from what was going on in the mind of the victim.

It has been categorically held that harsh or severe the harassment may be, unless there is a conscious and deliberate intention, i.e., mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306 of IPC.

18. The aforesaid principles have been very recently reiterated by the Hon'ble Supreme Court in ***Vinod Shivakumar v. State of Maharashtra, 2026 SCC OnLine SC 1583 : 2026 INSC 867*****,** decided on 14.08.2026, wherein the Hon'ble Supreme Court was considering an appeal arising out of an order refusing discharge under Section 227 of the Cr.P.C. in respect of an offence punishable under Section 306 of IPC. While examining the scope of Sections 306 and 107 of IPC, the Hon'ble Supreme Court held that the prosecution must disclose a direct or indirect act of instigation in close proximity to the commission of suicide and the requisite mens rea on the part of the accused.

19. The Hon'ble Supreme Court, in the above case, after considering the allegations of harassment and the suicide notes relied upon by the

prosecution, observed that the material must disclose an overt act of instigation, goading or intentional aid having a proximate nexus with the suicide. The Hon'ble Supreme Court at Para 14 observed as under:

> “...there must be a direct or indirect act of instigation, in close proximity to the commission of suicide, coupled with a clear mens rea to abet the commission of suicide.”

20. After considering the principles as mentioned in preceding paragraphs, the Hon'ble Supreme Court reached to the conclusion that ingredients of Section 306 are absent in the said case and held at Para 25 and 26 as under:-

> "**25.** We further find that the prosecution has failed to prima facie establish that the Appellant had any intention to instigate, aid or abet the deceased to commit suicide. The suicide notes undoubtedly reflect the anguish of the deceased, however, they do not disclose any act on the part of the Appellant from which the requisite mens rea can reasonably be inferred. There is also no material to suggest that the Appellant, by his words or conduct, intended to push the deceased into such a position that she was left with no reasonable alternative except to take her own life. No doubt, a young Range Forest Officer lost her life in an unfortunate incident. However, criminal liability under Section 306 IPC cannot rest upon the tragedy of the outcome alone; it must be founded upon the statutory ingredients of Section 306, which are absent in the present case.
>
> **26.** We are, therefore, satisfied that even if the entire prosecution material is accepted at its face value, the ingredients of the offence punishable under Section 306 IPC are not made out. The continuation of the criminal proceedings against the Appellant would, in the facts and circumstances of the present case, amount to an abuse of the process of law."

21. In the light of the above enunciation of law, the facts of the present case are required to be examined minutely.

22. According to the prosecution, the appellant had recorded a video of the deceased while bathing, threatened to circulate it and pressurised her to establish physical relations with him. It is further alleged that, during the village meeting held on 13.01.2021, the appellant admitted his mistake, deleted the video from his mobile phone and assured the family members that he would not repeat such conduct. Despite the aforesaid meeting and assurance, the appellant continued to harass the deceased. Being distressed by such conduct of appellant, deceased committed suicide on 16.03.2021. Therefore, the main question for consideration is whether the prosecution has established that the appellant continued to harass or threaten the deceased after the village meeting and that such conduct led her to commit suicide.

23. PW-1 Naresh Yadav, father of the deceased, has stated that the appellant had taken photographs of the deceased while she was bathing and used to make obscene remarks to her while she was going to school. He has further stated that, during a meeting convened by the villagers, the appellant's mobile phone was checked and the alleged video was deleted, and the appellant and his father assured the villagers that such conduct would not be repeated. However, the appellant again started sending obscene messages to the deceased, who, being fed up with the same, committed suicide on 16.03.2021. However, on the contrary, in cross-examination, PW-1 Naresh Yadav admitted that the deceased had not told him that the appellant had recorded her alleged video. He further admitted that all the

photographs of the deceased stored in the appellant's mobile phone were deleted during a village meeting held about two and a half to three months before the incident. He also admitted that the appellant's marriage was scheduled for 17.03.2021.

24. PW-2 Mamta, sister of the deceased, has stated that her family members told her that the appellant had taken photographs of the deceased while bathing and used to harass her while she was going to and returning from school. However, in her cross-examination, PW-2 Mamta admitted that she had not stated before the police that the appellant had taken photographs of the deceased or harassed her while she was going to or returning from school. She further admitted that she was stating these facts before the Court for the first time.

25. PW-3 Panbarsi, grandmother of the deceased, has also deposed regarding the alleged video and the harassment purportedly caused by the appellant to the deceased. She has further stated that the appellant wanted to marry the deceased, but the deceased and her family were not willing to marry her to him. However, in her cross-examination, she admitted that she had stayed with the deceased for two to three days before the incident, but the deceased had not told her about any harassment by the appellant during that period. She also admitted that the appellant wanted to marry the deceased, but her family was opposed to the marriage because the appellant belonged to the Muslim community.

26. PW-4 Ashrafi Yadav, uncle of the deceased, PW-5 Rajkumar, PW-7 Shyam Bihari, PW-8 Kripashankar and PW-12 Santosh Pandey, who were witnesses to the village meeting, have stated that they came to know about the alleged video from PW-1 Naresh Yadav, father of the

deceased, and that a village meeting was convened in that connection, where the matter was settled amicably. They have further stated that the parents of the deceased did not lodge any report against the appellant at the police station. However, their evidence does not satisfactorily establish that the appellant continued to threaten or harass the deceased after the village meeting.

27. Thus, from perusal of the above evidence, it is evident that the alleged incident of taking photographs of the deceased and the village meeting took place about two and a half to three months before the death of the deceased. The evidence of PW-1 Naresh Yadav, father of the deceased, and PW-2 Mamta, sister of the deceased, suffers from material omissions with regard to the alleged video and harassment caused by the appellant, while PW-3 Panbarsi, grand-mother of the deceased, admitted that the deceased had not told her about any harassment by the appellant during the period of two to three days she stayed with her before the incident. The evidence of the other witnesses also does not satisfactorily establish that the appellant continued to harass or threaten the deceased after the village meeting. Therefore, the prosecution evidence does not establish any continuing act of harassment or threat by the appellant in close proximity to the deceased's suicide. Furthermore, PW-13 Ramdev Singh, Investigating Officer, also admitted in his deposition that the appellant had not harassed or troubled the deceased during the month before the incident. That apart, it also emerges from the evidence of PW-3 Panbarsi, grand-mother of the deceased, that the family opposed the relationship between the appellant and the deceased because they belonged to different communities. This indicates that the deceased's

family opposed their relationship on account of their different communities. Further, the appellant's marriage was scheduled for 17.03.2021, whereas the deceased committed suicide on 16.03.2021, one day before his marriage. These circumstances may indicate that the deceased was distressed by the situation surrounding their relationship and the appellant's proposed marriage, and this possibility cannot be ruled out.

28. In the matter of ***Mariano Anto Bruno and Anr. vs the Inspector of Police*** reported in ***2022 Livelaw (SC) 834***, the Supreme Court has has held in para 25 which reads as under:

> "25. The ingredients of Section 306 IPC have been extensively laid out in *M. Arjunan vs State*, *represented by its Inspector of Police, (2019) 3 SCC 315* which are as under:-
>
> > "The essential ingredients of the offence under Section 306 IPC 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."*

29. Similarly, in the matter of ***Gangula Mohan Reddy vs. State of Andhra Pradesh*** reported in ***AIR 2010 SC 327****,* the Supreme Court has observed in para 20 which reads as under:-

> "20. 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."

30. Applying the aforesaid principles to the facts of the present case, even if the allegations concerning the earlier video and the village meeting are considered, there is no reliable evidence to establish that

the appellant continued to harass the deceased after the village meeting or intentionally instigated or aided her to commit suicide. The fact that the deceased died by suicide, by itself, cannot sustain a conviction under Section 306 of IPC. The possibility that the deceased was distressed by the circumstances surrounding her relationship with the appellant and his proposed marriage cannot be ruled out or discarded. Upon an overall assessment of the evidence, the prosecution has failed to prove the essential ingredients of abetment under Section 107 of IPC beyond reasonable doubt. The appellant is, therefore, entitled to the benefit of doubt.

31. Consequently, the appeal is allowed. The impugned judgment of conviction and order of sentence dated 13.01.2026 passed by the learned Sessions Judge, Balrampur at Ramanujganj, C.G. in Sessions Trial No.66/2021, convicting and sentencing the appellant under Section 306 of IPC are hereby set aside. Appellant is acquitted of the charge under Section 306 of IPC by extending him the benefit of doubt.

32. Appellant is reported to be in jail, therefore, he be released forthwith, if not required in connection with any other case. However, keeping in view the provisions of Section 481 of the BNSS, the appellant is directed to furnish a personal bond in terms of Form No. 45 prescribed under the Code of Criminal Procedure for a sum of Rs.25,000/- with one surety in the like amount before the concerned trial Court, which shall remain effective for a period of six months, along with an undertaking that, in the event of filing of a Special Leave Petition against this judgment or seeking leave to appeal, the appellant, on receipt of notice thereof, shall appear before the Hon’ble Supreme Court.

33. Let the original record of the trial Court along with a copy of this judgment be transmitted forthwith to the trial Court concerned as well as to the Superintendent of the concerned Jail for information and necessary compliance.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Akhilesh