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CGHC010002672013 2026:CGHC:42053

**AFR**

## HIGH COURT OF CHHATTISGARH AT BILASPUR

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**CRA No. 364 of 2013**

**1 –** Smt. Lakhapatiya Bai W/o Shri Mandip Ram Aged About 36 Years R/o Near Power House , Namnakala , Ambikapur , P.S. Gandhinagar , Distt. Sarguja C.G.

**2 -** Mandip Ram S/o Shri Ramvriksh Ram Aged About 40 Years R/o Near Power House , Namnakala , Ambikapur , P.S. Gandhinagar , Distt. Sarguja C.G.

**3 -** Vinod @ Sonu Ram (Abated) As Per Honble Court Order Dated 16-09-2025

**4 -** Smt. Amarautin Bai W/o Jagjivan Ravi Aged About 36 Years R/o Near Power House , Namnakala , Ambikapur , P.S. Gandhinagar , Distt. Sarguja C.G.

**... Appellants**

**versus**

**1 -** State Of Chhattisgarh Through - P.S. Dhaurpur , Distt. Sarguja C.G.

**... Respondent**

| | | |
|---|---|---|
| For Appellants | : | Mr. Shakti Raj Sinha and Mr. Pavas Sharma, Advocates |
| For Respondent/State | : | Mr. DR Minj, Dy. AG and Mr. Siddharth Sharma, PL |
| For Objector | : | Mr. AK Yadav, Advocate |

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**(Hon'ble Mr. Justice Naresh Kumar Chandravanshi)**

**C A V Judgment**

1. The present appeal has been preferred by the appellants/accused persons under Section 374 (2) of the Criminal Procedure Code, 1973 against the impugned judgment of conviction and order of sentence dated 04.04.2013 passed by learned Second Upper Sessions Judge, Sarguja (Ambikapur) in Sessions Case No. 348/2009, whereby each of the appellants/accused persons has been convicted under Section 306/34 of the Indian Penal Code (henceforth, 'IPC') and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs. 500/- each. In default of payment of fine, they have further been directed to undergo additional rigorous imprisonment for 15 days.

2. The case of the prosecution, in brief, is that family of the deceased Ku. Anita Ravi and Abhay Kumar Bhaskar (PW 1) were having discussions regarding their marriage. On 13.04.2009, when the deceased Ku. Anita Ravi, along with her prospective husband Abhay Kumar Bhaskar (PW 1), had come to Ambikapur and was present with him at his house, the appellants/accused persons, who were distant relatives of the deceased, objected to the presence of the two of them in the house and, on that account, assaulted her with fists, slippers and kicks. Being distressed by the said incident, on 18.04.2009 at about 7:00 p.m., Ku. Anita Ravi consumed poison and committed suicide at her house situated at Village Changoli, Police Station Dhaurpur. On receiving information from the informant Ramkeli, Merg Intimation (Ex.P-2) was lodged at Police Station Dhaurpur, Distt. Sarguja, on the basis of

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which, FIR (Ex.P-10) registered at Police Station Dhaurpur, Distt. Sarguja. Inquest report of dead body of the deceased was prepared vide Ex. P-6 and post mortem was conducted by Dr. Sharad Grewal (PW 5), who, vide post mortem report (Ex. P-3), opined that the cause of death was asphyxia because of suspected poisoning. The viscera of deceased was seized vide seizure memo Ex.P-8. Statements of witnesses under Section 161 of the Cr.P.C. were recorded. Spot map (Ex. P-12) and other documents were prepared. The suicide letter (Ex. P "Q"), allegedly written by the deceased, was seized vide seizure memo Ex. P-9. Three handwritten registers of the deceased were also seized vide seizure memo Ex. P-4. Accused persons were arrested. After completion of investigation, the charge sheet under Section 306/34 of the IPC was filed against the appellants/accused persons before the learned Judicial Magistrate First Class, Sarguja (Ambikapur), who committed the case to the Sessions Court, Ambikapur, District Sarguja, and thereafter, this case was received on transfer by the learned Second Upper Sessions Judge, Sarguja (Ambikapur), who tried the case.

3. Learned Second Upper Sessions Judge framed charge against the appellants/accused under Section 306/34 of the IPC, who abjured the guilt and claimed trial.

4. In order to establish the charge against the appellants/accused persons, the prosecution examined 11 witnesses and exhibited 22 documents. Statements of the appellants/accused persons under Section 313 of the Cr.P.C. were recorded, in which they denied all the incriminating circumstances appearing against them, claiming themselves to be innocent and pleaded false implication. They have

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not examined any witness in their defence, but exhibited one document.

5. After appreciation of the evidence adduced by the prosecution, the learned Trial Court convicted and sentenced each of the appellants as mentioned in opening paragraph of this judgment. Hence, this appeal.

6. During the pendency of instant appeal, appellant No. 3 Vinod @ Sonu Ram has died, therefore, the appeal has been declared abated pertaining to him.

7. Learned counsel appearing for the appellants submits that, prior to the incident, initial talks regarding the marriage of the deceased, Ku. Anita Ravi with Abhay Kumar Bhaskar (PW 1) were on progress. On 13.04.2009, Abhay Kumar Bhaskar along with deceased were present in his house, where he used to reside alone. Therefore, finding them aloof in the house, the appellants, who were distant relatives of deceased, objected to their presence. He further submits that Heerachand Bhaskar, who was cousin brother of Abhay Kumar Bhaskar (PW 1), had also scolded them. He next submits that only some hot talks had occurred there. No assault was made by the appellants upon Ku. Anita Ravi (deceased), but since they were seen by the residents of nearby vicinity, she may have been under stress. However, only on that ground, the appellants cannot be said to have abetted her to commit suicide.

7.1 Learned counsel further submits that suicide letter (Ex. P “Q”), allegedly written by deceased Ku. Anita Ravi, was seized vide seizure memo Ex. P-9 from Anil Kumar (brother of deceased). It is further submitted that the report of handwriting expert has also been filed by the prosecution, but neither Anil Kumar nor any other witness relating

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to Ex.P-9 has been examined, nor report of the handwriting expert has been proved. Despite that, learned trial Court has based its conviction only on the suicide letter (Ex. P “Q”), allegedly written by deceased Ku. Anita Ravi. He submits that, in absence of deposition of the State Examiner, who examined alleged letter (Ex. P “Q”) of deceased, the said letter cannot be relied upon. He further submits that the said three registers, allegedly seized vide seizure memo Ex. P-4 from Mamta Ravi, who is said to be sister of deceased, are also doubtful as to whether those registers had been written by deceased or not. Therefore, by matching the handwriting in the said registers with the handwriting in the said letter allegedly written by deceased, it also cannot be conclusively held that the handwriting in the said letter (Ex. P “Q”) and the handwriting in those three registers were written by deceased herself. He lastly submits that the conviction has been based solely on the basis of unlawful and unreliable evidence of prosecution witnesses. Therefore, the prosecution has failed to prove the charge against the appellants. Hence, the appeal may be allowed and the appellants be acquitted of the said charge.

8. *Per contra*, learned State counsel supports the impugned judgment of conviction and order of sentence and submits that the judgment of conviction has been based on well appreciation of evidence available on record. Therefore, it does not call for any interference by this Court.

9. Learned counsel appearing for the objector, who is father of deceased, also supported the impugned judgment and the submissions made by learned State counsel.

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10. I have heard learned counsel for the parties, considered their rival submissions and gone through the record of the case including the record of the trial Court with utmost circumspection.

11. The appellants have been convicted for the offence under Section 306/34 IPC on the charge that they had beaten the deceased Ku. Anita Ravi on 13.04.2009 and harassed her mentally, thereby abetted her to commit suicide, as such, she committed suicide on 18.04.2009 by consuming poisonous substance.

12. Smt. Pramila Devi (PW 6) is mother of deceased. Ku. Mamta Ravi (PW 7) is her younger sister. Vishwanath Ram (PW 8) is her father. Aforesaid witnesses have stated in their depositions that on 18.04.2009, deceased Ku. Anita had consumed some poisonous substance and, therefore she was taken to the Primary Health Center Bario, where she died on the same day during treatment. Their depositions also get support upto some extent from the hospital memo (Ex.P-1), which was produced by ward attendant (aaya) Ramkeli (PW 3), on the basis of which merg intimation (Ex. P-2) was lodged at Police Station Dhaurpur, District Sarguja. On the basis thereof, FIR (Ex. P-10) was registered at Police Station Dhaurpur by the Investigating Officer R. Tigga (PW 11). Ex. P-6 is the inquest report of deceased. After preparing inquest report, post mortem of dead body of deceased was conducted by Dr. Sharad Grewal (PW 5), who opined vide post mortem report (Ex. P-3) that the cause of death was asphyxia due to suspected poisoning and that the nature of death was suicidal. He had also suggested chemical examination of viscera of deceased, which was collected by him during post mortem; however, viscera report has not been proved by the prosecution.

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13. Though the mother, father and other relatives of deceased have stated that deceased had consumed some poisonous substance, they have not stated what that poisonous substance was. Even no bottle, vessel or other article containing the said poisonous substance has been proved. Thus, as per the prosecution, the deceased died by committing suicide after consuming poisonous substance; however, the name or component of that poisonous substance has not been conclusively proved by the prosecution.

14. So far as the allegation of abetment by the appellants to the deceased is concerned, Abhay Kumar Bhaskar (PW 1) was fiance of deceased. As per his deposition, their marriage had been settled by the family members and was to be performed in near future. He has further stated that on 13.04.2009, he along with deceased had purchased some articles from the market at Ambikapur. By the time it was 1:30 p.m. and the sun was scorching, therefore, he took Ku. Anita (deceased) to his house situated at Namnakala. Due to heat wave, they closed the gate. At that time, the appellants knocked on the door and, asking him to open it, started pelting bricks and stones on the roof of the house, while abusing them in filthy language. They also locked the door from outside. Therefore, he called his elder cousin brother, Heerachand Bhaskar (PW 10), who reached there and got the door/lock opened from accused persons. He further stated that after opening the door, Heerachand Bhaskar left the place, thereafter the appellants beat him and Anita by hands, fists, shoes and slippers. He has further stated that, on account of such harassment by the appellants, Ku. Anita felt insulted and, hence, committed suicide.

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15. Savitri Devi (PW-2) is sister-in-law (भाभी) of the deceased and Heerachand Bhaskar (PW 10), who was posted as a Constable and was cousin brother of PW-1, had also reached the place of occurrence. They have also supported the deposition of Abhay Kumar Bhaskar (PW 1) that the appellants had beaten him and Anita when they were in his house. On the next day of incident, Anita went to her village and informed her mother Smt. Pramila Devi (PW 6), younger sister Ku. Mamta Ravi (PW 7) and father Vishwanath Ram (PW 8) about aforesaid incident, which has also been supported by them in their depositions. Nothing has been elicited in cross-examination of Savitri Devi (PW 2) and Heerachand Bhaskar (PW 10) to discredit their statements that on 13.04.2009, when Abhay Kumar Bhaskar (PW 1) and Ku. Anita (deceased) were in the house of PW-1, the appellants objected to their presence. The appellants were neighbours and many other neighbours had also gathered at the place of occurrence, and the appellants quarreled with PW-1 and Anita (deceased) and also assaulted /beaten them.

16. Ex. P “Q” is said to be suicide letter of deceased, in which she alleged that the appellants had beaten them. It was sent for examination before the State Examiner of Handwriting. The report of State Examiner (Ex.P-15A) has also been filed, but it has not been proved by examining the State Examiner MN Pandey. However, mother, father and sister of the deceased have stated that the said suicide note was in the handwriting of deceased. Having considered their direct relationship with the deceased and the other evidence available on record, despite the non-examination of handwriting expert, their aforesaid statements cannot be discarded merely on that ground, as

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such, the Trial Court has rightly held that the suicide note is in the handwriting of deceased.

17. Thus, from the aforesaid evidence, it has been proved that on 13.04.2009, in the afternoon, when Abhay Kumar Bhaskar (PW-1) was present in his house along with Anita (deceased), situated at Namnakala, Ambikapur, the appellants objected to their presence, which resulted in a quarrel between them, and the appellants assaulted them with hands, fists, shoes, slippers, etc.

18. As per the case of prosecution, on account of such beating by the appellants, deceased Ku. Anita felt insulted/humiliated and, therefore, committed suicide on 18.04.2009. Therefore, the prime question that arises for consideration is whether such dispute coupled with beating can be held to constitute 'abetment' to the deceased -Anita to commit suicide.

19. In respect of the aforesaid question, it would be appropriate to have a look at the provisions contained under Section 306 of the I.P.C., which read as under:

> "**S. 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."

20. Abetment has been defined in Section 107 IPC, which reads as under:

> **"S. 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

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> an act or illegal omission takes place in pursuance of 4 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* 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 facilitate the commission thereof, is said to aid the doing of that act."

21. When Section 306 IPC is read with Section 107 IPC, it is clear that there must be, *firstly,* direct or indirect instigation; *secondly,* in close proximity to the commission of suicide, along with; *thirdly,* clear mens rea to abet the commission of suicide.

22. The term 'instigation' under Section 107 IPC has been explained in **Ude Singh & Ors. v. State of Haryana,** (2019) 17 SCC 301, as follows:

> "14.1……20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been

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> inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."

23. In **Prakash & Ors. v. State of Maharashtra & Anr.**, (2026) 6 SCC 251, the Hon'ble Apex Court has further interpreted the offence as below:

> "18. Section 306 of the IPC has two basic ingredients-first, an act of suicide by one person and second, the abetment to the said act by another person(s). In order to sustain a charge under Section 306 IPC, it must necessarily be proved that the accused person has contributed to the suicide by the deceased by some direct or indirect act. To prove such contribution or involvement, one of the three conditions outlined in Section 107 IPC has to be satisfied.
>
> 19. Section 306 read with Section 107 IPC, has been interpreted, time and again, and its principles are well established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide."

24. In **Pawan Kumar v. State of H.P.,** 2017 (7) SCC 780, the Hon'ble Supreme Court held as under:

> "43. Keeping in view the aforesaid legal position, we are required to address whether there has been abetment in committing suicide.

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> Be it clearly stated that mere allegation of harassment without any positive action in proximity to the time of occurrence on the part of the accused that led a person to commit suicide, a conviction in terms of Section 306 IPC is not sustainable. A casual remark that is likely to cause harassment in ordinary course of things will not come within the purview of instigation. A mere reprimand or a word in a fit of anger will not earn the status of abetment. There has to be positive action that creates a situation for the victim to put an end to life."

25. In **Madan Mohan Singh v. State of Gujarat & Anr.**, (2010) 8 SCC 628, the driver of the accused had alleged in his suicide note that the accused had driven him to the extent of committing suicide. Despite such an allegation in the suicide note, Hon'ble Supreme Court found that there was absolutely nothing in the suicide note or the FIR which could be viewed as an offence, much less under Section 306 of the IPC. It was observed as under:

> "10. We are convinced that there is absolutely nothing in this suicide note or the FIR which would even distantly be viewed as an offence much less under Section 306 IPC. We could not find anything in the FIR or in the so-called suicide note which could be suggested as abetment to commit suicide. In such matters there must be an allegation that the accused had instigated the deceased to commit suicide or secondly, had engaged with some other person in a conspiracy and lastly, that the accused had in any way aided any act or illegal omission to bring about the suicide.

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> 11. XXX XXX XXX
>
> 12. In order to bring out an offence under Section 306 IPC specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required.
>
> The intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for this particular offence under Section 306, IPC…"

26. Recently, in the case of **Abhinav Mohan Delkar v. State of Maharashtra & Ors.**, (2026) 6 SCC 233, the Hon'ble Supreme Court has interpreted Sections 306 and 107 IPC together and observed as under:

> "25. …even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. Figuratively, 'the straw that broke the camel's back'; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act

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> of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.
>
> 26. The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another.

However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306."

27. Having considered the law laid down by Hon'ble Apex Court in aforecited cases, if the evidence of instant case is considered, it is found that though it has been proved by the prosecution that on 13.04.2009, a young couple, i.e., Abhay Kumar Bhaskar (PW 1) and

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Ku. Anita (deceased), were present in the house, the appellants who were neighbours and distant relatives of the deceased raised an objection by knocking on the door of the house. From this, it appears that since the parties belonged to a traditional family having conservative thinking, they did not feel it appropriate for the two to remain alone in the house, even though their marriage had been settled. They objected to their presence in the house, and on account of such circumstances, a quarrel took place between them and the appellants beat them. However, nothing has been brought on record by the prosecution to establish that the appellants had beaten the deceased with an intention to instigate her to commit suicide or with any such intention. If the deceased had felt insulted to such an extent that she was compelled to commit suicide, she might have committed suicide immediately after the incident; however, she committed suicide after about five days from the date of incident, i.e., 13.04.2009. Moreover, in the said incident of beating, no mens rea or act of instigation on the part of the appellants to incite or encourage the deceased to take such an extreme step is found.

28. Learned Upper Sessions Judge has convicted the appellants only by relying upon the evidence that, since the appellants had beaten the deceased, she felt insulted and committed suicide. However, as has been observed by the Hon'ble Apex Court in a catena of judgments, some of which have been cited hereinabove, in order to punish a person under Section 306 IPC, there must be a clear, conscious and deliberate intention (mens rea) on the part of the accused to instigate or drive the victim to commit suicide. If a person ends his life due to depression, frustration or hypersensitivity on account of a trivial issue,

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the accused persons cannot be blamed or convicted, unless they actively goaded, instigated or abetted the victim to commit suicide. The same has not been proved by the prosecution in the instant case against the appellants. Therefore, the judgment of conviction and order of sentence passed by the learned Upper Sessions Judge is not sustainable and, hence, deserves to be set aside/quashed.

29. Consequently, the instant appeal is **allowed.** Conviction of appellants under Section 306/34 of the IPC and sentence imposed upon them vide the impugned judgment are set aside/quashed. The appellants are acquitted of aforesaid charge.

30. The appellants are reported to be on bail. The bail bonds furnished by them shall remain in operation for a further period of 6 months from today in view of the provisions contained under Section 481 of the Bhartiya Nagrik Suraksha Sanhita, 2023.

31. Record of the Second Upper Sessions Judge, Sarguja (Ambikapur) along with a copy of this judgment be sent back forthwith for compliance and necessary action.

Sd/-

**(Naresh Kumar Chandravanshi)**

**Judge**

Rukhsar

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