



AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 96 of 2020

Judgment reserved on 19.06.2026

Judgment Delivered on 17.07.2026

State Of Chhattisgarh Through The Police Station Kartala, District - Korba
Chhattisgarh, District : Korba, Chhattisgarh

... Appellant (s)

versus

Mohd. Seraj S/o Mohd. Hussain Rijvi Aged About 25 Years R/o Village
Nonbirra, Police Station - Kartala, District - Korba Chhattisgarh, District :
Korba, Chhattisgarh

... Respondent(s)

For the Appellant : Mr. Anant Bajpai, Panel Lawyer

Respondent : Mr. Hemant Gupta, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

CAV Judgment

1. This acquittal appeal has been filed under Section 378(1) of the Code of Criminal Procedure, 1973 wherein the appellant seeks grant of leave to appeal against the judgment dated 16.01.2019 passed by Sessions Judge, Korba District Korba (CG) by which the respondent has been acquitted of the charges under Section 306 of the IPC.

2. Facts of the case in brief are that merg intimation No. 07/2018 (Ex.P-1) under Section 174 CrPC was registered at the instance of Sunder Lal Gupta alleging that daughter of his cousin brother namely Vijay Gupta after taking dinner went to her room for sleeping on 29.01.2018 at about 9.30 PM. On the next day, i.e. on 30.01.2018 at about 9.00 AM when her mother Rukmani Bai opened the door of her daughter's room, she found that her daughter committed suicide by hanging herself with her scarf from a pipe installed in the room. Thereafter, her mother informed the incident to him. A merg intimation (Ex.P-1) was registered and the matter was investigated. During investigation, a black colour samsung mobile and a piece of paper were seized before the witnesses. Statements of the witnesses were recorded and the dead body of the deceased was sent for postmortem. Thereafter, the FIR (Ex.P-20) on 28.04.2018 under Section 306 IPC was registered at Police Station Kartala, District Korba against the respondent.
3. It is case of the prosecution that accused/ Respondent Seraj harassed and pressurized the deceased for marriage and when she did not agree to marry with him then he started threatening to kill her, her mother and due to the said pressure the deceased was under tension and ultimately committed suicide by hanging herself. The prosecution after investigation submitted the charge sheet before Judicial Magistrate First Class, Link Court Kartala District Korba, who in turn committed the case to the Court of Sessions Judge, Korba which was registered as Sessions Case No. 70 of 2018. The prosecution to prove its case has exhibited documents from Ex.P-1 to Ex.P-26.

4. The prosecution to prove the case has examined witnesses i.e. Sunderlal Gupta (PW-1), Ravindra Kumar Kathale (PW-2), Shekh Hassan @ Bholu Khan (PW-3), Arun Kumar Gupta (PW-4), Dr. Vivek Pratap Singh (PW-5), K.K. Sharma (PW-6), Rukmani Gupta (PW-7), Seema Gupta (PW-8), Indrabhushan Singh (PW-9), Durgesh Rathore (PW-10). The accused has not examined any witness but he has been examined under Section 313 CrPC wherein he has taken plea of false implication.
5. The learned trial Court after appreciating the evidence and material on record has acquitted the accused and recorded its finding that the letter (Ex.P-10 A) was written by the deceased or not, in this regard handwriting expert was not examined by the prosecution. The prosecution is unable to establish that the accused tortured and harassed the victim to commit suicide for marriage and threatened to kill her and her mother. Learned trial Court has also recorded its finding that for attracting the offence under Section 306 IPC the prosecution should have proved that the deceased has committed suicide on the instigation made by the accused, no such evidence has been brought on record and accordingly it has acquitted the accused. Being aggrieved with the order of the acquittal, the acquittal appeal has been preferred by the State.
6. Learned counsel for the appellant would submit that respondent was continuously harassing the deceased to marry with him and if she did not marry with him then he has threatened to kill her and her mother also, which has instigated her to commit suicide. Learned trial Court

did not consider the statements of prosecution witnesses which are natural and truthful as they have given true version of the occurrence. Learned trial Court has also not considered the evidence of PW-4 cousin brother of deceased wherein he has clearly stated that her aunt informed him that due to threat of accused, the deceased attempted to cut her vein. It has also been contended that Rukmani Gupta (PW-7) mother of the deceased disclosed that the accused used to molest or harass on account of marriage whenever she was going to school and they informed the incident to Sarpanch /Panch of the village but the accused did not stop to molest her which has been ignored by the learned trial Court on the flimsy grounds and has recorded perverse finding.

7. He would further submit that learned trial Court did not appreciate the evidence of I.O. Indrabhushan Singh (PW-9), who categorically stated that during investigation, call details of accused and the deceased were collected which demonstrate the circumstantial evidence regarding involvement of the accused to instigate the deceased to commit suicide. He would further submit that during investigation mobile phone of the deceased was seized wherein SIM installed in the phone was registered in the name of the accused which establish involvement of the accused to instigate the deceased to commit suicide but the learned trial court has not appreciated the evidence and has passed the judgment casually on a perverse finding. He would further submit that learned trial Court has committed gross error by not appreciating the material evidence on record and has also not

appreciated the seizure of suicidal note and acquitted the respondent of the charges and would pray for allowing the acquittal appeal. To substantiate his submission, he would refer to the judgments of Hon'ble Supreme Court in the cases of **Praveen Pradhan vs.State of Uttaranchal and others reported in 2012(9) SCC 734 and Shakuntala Devi vs. State of Uttar Pradesh 2025 INSC 581.**

8. On the other hand, learned counsel for the respondent would submit that the prosecution has not collected any cogent evidence to establish the involvement of the respondent in the crime in question. He would further submit that to sustain conviction under Section 306 IPC, there must be a direct, proactive act of instigation that leaves the deceased with no other option to commit suicide but from the evidence of the prosecution, it is not established that the respondent had instigated the victim to commit suicide. He would further submit that the incident occurred on 29-30 January, 2018 but the FIR was registered on 28th April, 2018 there is inordinate and unexplained delay of three months in lodging the FIR. He would further submit that key witnesses Sunderlal Gupta (PW-1), Arun Kumar Gupta (PW-4) and Seema Gupta (PW-8) have not supported the case of the prosecution and have turned hostile. He would further submit that it is highly improbable that if the deceased was being harassed on a public road to school, no independent witnesses or neighbours ever witnessed. He would submit that the prosecution has failed to conduct any handwriting expert for comparison to prove that the note found in the room was actually written by the deceased.

9. He would further submit that the call details records provided by the Cyber Cell did not establish any conversation between the accused and the deceased, nor did they prove the ownership of the SIM card. He would also submit that necessary ingredients for constituting an offence under Section 306 IPC i.e. instigation by the respondent which has compelled the deceased to commit suicide is not available on record.
10. Learned counsel for the accused further submit that even otherwise, it is well settled legal position of law that if there is one view which is favourable to the accused then that finding should not be normally disturbed by the Appellate Court by hearing appeal against the order of acquittal unless so perverse which conscious the mind of the Court. In the present case, no such situation is available on record. Thus he would pray for dismissal of the acquittal appeal. To substantiate his submission, he would refer to the judgments of Hon'ble Supreme Court in the cases of **Niranjan Singh Karam Singh Punjabi and others vs. Jitendra Bhimraj Bijja and others reported 1990 (2) SCALE 193, S.S. Cheena vs. Vijay Kumar Mahajan 2010 (12) SCC 190, Sanju @ Sanjay Singh Sengar vs. State of M.P. reported 2002 (5) SCC 371 and Geo Varghese vs. State of Rajasthan reported 2021 (19) SCC 144.**
11. I have heard learned counsel for the parties and perused the records.
12. Considering the submissions made by the learned counsel for the parties the point emerged for determination by this Court is whether the finding of acquittal recorded by the trial Court in favour of the

respondent for commission of offence under Section 306 IPC is legal, justified or not or can be interfered by this Court while hearing the acquittal appeal.

13. To appreciate the Point for determination, it is expedient for this Court to extract Sections 306 and 170 of IPC which are 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.

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. Explanation 1.— A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate 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 facilitates the commission thereof, is said to aid the doing of that act.”

14. From perusal of section 306 of the IPC, it is quite vivid, that it 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 of the IPC, it must necessarily be proved by the prosecution 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 of the IPC has to be satisfied.

15. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well- established by the Hon'ble Supreme Court. Thus 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.
16. The law on abetment has been crystallised by a plethora of decisions of Hon'ble Supreme Court and it has been held that abetment involves a mental process of instigating or intentionally aiding another person to do a particular thing. To bring a charge under Section 306 of the IPC, the act of abetment would require the positive act of instigating or intentionally aiding another person to commit suicide. Without such *mens-rea* on the part of the accused person being apparent from the face of the record, a charge under the aforesaid Section cannot be sustained. Abetment also requires an active act, direct or indirect, on the part of the accused person which left the deceased with no other option but to commit suicide.
17. The Hon'ble Supreme Court in the case of **S.S. Cheena (supra)** had an occasion to consider the scope of Section 306 of the IPC and the ingredients which are essential for abetment, as set out in Section 107 of the IPC. It observed as follows:

“16. The word “suicide” in itself is nowhere defined in the Penal Code, however its meaning and import is well known and requires no explanation. “Sui” means “self” and “cide” means “killing”, thus implying an act of self-killing. In short, a person committing suicide must commit it by himself, irrespective of the means employed by him in achieving his object of killing himself.

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18. In our country, while suicide in itself is not an offence, considering that the successful offender is beyond the reach of law, attempt to suicide is an offence under Section 309 IPC.

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21. The learned counsel for the appellant has placed reliance on a judgment of this Court in Mahendra Singh vs. State of M.P. [1995 Supp (3) SCC 731 : 1995 SCC (Cri) 1157] In Mahendra Singh [1995 Supp (3) SCC 731 : 1995 SCC (Cri) 1157] the allegations levelled were as under: (SCC p. 731, para 1) “1. ... My mother-in-law and husband and sister-in-law (husband's elder brother's wife) harassed me. They beat me and abused me. My husband Mahendra wants to marry a second time. He has illicit connections with my sister-in-law. Because of these reasons and being harassed I want to die by burning.” The Court on the aforementioned allegations came to a definite conclusion that by no stretch the ingredients of abetment are attracted on the statement of the deceased. According to the appellant, the conviction of the appellant under Section 306 IPC merely on the basis of the aforementioned allegation of harassment of the deceased is unsustainable in law.

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23. In State of W.B. v. Orilal Jaiswal [(1994) 1 SCC 73 : 1994 SCC (Cri) 107] this Court has cautioned that:

(SCC p. 90, para 17) “17. ... The court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end the life by committing suicide. If it [appears] to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.”

24. This Court in *Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi)* [(2009) 16 SCC 605 : (2010) 3 SCC (Cri) 367] had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the words “instigation” and “goadings”. The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the other. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.

25. 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. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide.”

18. Thus from the above stated legal position, it is quite vivid, that abetment involves the mental process of instigating a person or intentionally aiding a person in doing of a thing. Therefore, without a positive act on the part of the accused to instigate or aid a person in committing suicide, conviction cannot be sustained. It is equally well settled that since each person reacts differently to the same provocation depending on a variety of factors, therefore it is impossible to lay down a straightjacket formula to deal with such cases. As such, every case has to be decided on the basis of its own facts and circumstances.

19. The Hon'ble Supreme Court in the case of **Ude Singh and others vs. State of Haryana** reported in **2019 (17) SCC 301** has held as under:-

“16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment

of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased. Mitted suicide had been hypersensitive and the action of the accused is otherwise not ordinarily expected to induce similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role

in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.

16.2 We may also observe that human mind could be affected and could react in myriad ways; and impact of one's action on the mind of another carries several imponderables. Similar actions are dealt with differently by different persons; and so far a particular person's reaction to any other human's action is concerned, there is no specific theorem or yardstick to estimate or assess the same. Even in regard to the factors related with the question of harassment of a girl, many factors are to be considered like age, personality, upbringing, rural or urban set ups, education etc. Even the response to the ill-action of eve-teasing and its impact on a young girl could also vary for a variety of factors, including those of background, self-confidence and upbringing. Hence, each case is required to be dealt with on its own facts and circumstances.

20. Again the Hon'ble Supreme Court in the case of **Jayadeepsingh Pravinshih Chavda and others vs. State of Gujarat 2024 INSC 960**, relying on S.S. Chheena (supra) held that the element of *mens-rea* cannot simply be presumed or inferred, instead it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law, that is deliberate and conspicuous intention to provoke or contribute to the act of suicide, would remain unfulfilled. The Hon'ble Supreme Court has held as under:

“18. For a conviction under Section 306 of the IPC, it is a well-established legal principle that the presence of clear mens rea—the intention to abet the act—is essential. Mere harassment, by itself, is not sufficient to find an accused guilty of abetting suicide. The prosecution must demonstrate an active or direct action by the accused that led the deceased to take his/her own life. The element of mens rea cannot simply be presumed or inferred; it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law is not satisfied, underscoring the necessity of a deliberate and conspicuous intent to provoke or contribute to the act of suicide.”

19. It is, therefore, evident that the positive act of instigation is a crucial element of abetment. Thus as held by the Hon’ble Supreme Court instigation means to goad, urge forward, provoke, incite or encourage to do “an act” and 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, however, a reasonable certainty to incite the consequence must be capable of being spelt out.

21. The judgments referred by learned counsel for the respondent is also in the same line but to avoid repetition it has not been referred in extensive. However, the judgments referred by the learned counsel for the respondent would also clarify the legal position regarding commission of offence that the accused should instigate the deceased to commit suicide and there must be direct or indirect evidence and it should be continuous harassment which are dependable on facts of each case.
22. From the above stated legal position as settled by the Hon’ble Supreme Court for recording of conviction for commission of offence under Section 306 IPC this Court has to see whether prosecution is able to prove that in cases of alleged abetment of suicide there is direct or indirect act(s) of incitement to the commission of suicide has been

committed by the accused more precisely since in the context of the offence of abetment of suicide involves multifaceted and complex attributes of human behaviour, this court has to look for cogent and convincing proof of the act(s) of incitement to the commission of suicide, as such mere allegation of harassment of the deceased by another person would not suffice unless there is such action on the part of the accused which compels the person to commit suicide is proved by the prosecution and there must be proximate to the time of occurrence of the incident. Therefore, the question of *mens-rea* on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or a snap-show of anger, a particular case may fall short of the offence of abetment of suicide, however, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Also considering the fact that human mind could be affected and could react in myriad ways and that similar actions are dealt with differently by different persons, each case is required to be dealt with its own facts and circumstances, therefore, in light of settled legal position of law, now this Court is analyzing the conduct of the accused, evidence brought on record by the prosecution to record a finding whether the accused has instigated the deceased to commit suicide for attracting the offence under Section 306 IPC.

23.(A) Rukmani Bai (PW-7) mother of the deceased deposed that her daughter informed her that the respondent used to harass her on the way of school while she was going to school and after returning from school she would remain silent. In the year 2017 her daughter fed up from the act of the respondent and wanted to commit suicide by consuming poisonous pills then she snatched the pills from her hands and herself consumed the said pills. She further deposed that her daughter also cut her vein because of harassment which was being made by the respondent and her daughter was admitted in Community Health Centre, Kartala. She further deposed that after the incident, Police had advised the respondent and he was remained quite for few days and thereafter the respondent again started harassing her daughter Amisha. This witness further deposed that when she tried to stop the respondent, he threatened her to kill, subsequently they informed the incident to Sarpanch/Panch regarding teasing/harassment meted out by the respondent to her daughter then they advised the respondent even the accused did not stop to harass her and threatened her daughter in school by saying “ if she does not marry him then he will kill her as well as her family also”. Even after advice of Panch, the accused would not listen and repeatedly harassed the deceased while she was going to school. The witness further deposed that due to harassment of accused the deceased was upset and silent and on the date of incident, the victim after dinner went to sleep and on the next day, deceased did not wake up after 8.30 AM, then she went to the room and saw that she committed

suicide by hanging herself then she informed her sister-in-law Seema Gupta.

(B) The witness was cross-examined by the accused wherein she has denied that the deceased was weak in her studies, therefore, she was scolded by the teachers and also denied the incident of teasing by the accused is false, therefore, she has not informed to anyone. She has also denied that Police personnel and the villagers have advised the accused not to harass the deceased is false; as such she has not made any complaint in this regard. She has also denied that because of her dispute with the deceased or because of her behaviour the deceased committed suicide and nothing has been brought on record to rebut the evidence of witness regarding instigation done by the accused to the deceased.

(C) Arun Kumar Gupta (PW-4) deposed that the accused harassed the deceased on account of marriage and stated that if she did not marry him then he will kill her. He further deposed that he was informed that the deceased committed suicide and it was later on informed him that before the incident, the deceased had cut her vein and her mother consumed some pills.

(D) Dr. Vivek Prathap Singh (PW-5) Medical Officer, Primary Health Centre, Rampur Block, Kartala, Korba deposed before the Court in paragraph-6 that on 07.05.2017, the deceased was being treated by him. He deposed that the deceased was a cut wound on wrist of her left hand which was an attempt to commit suicide and her treatment was being done by him and on the next day, i.e. on 08.05.2017 she

was discharged from the hospital and discharged ticket Ex.P-13 was signed by him. He further deposed that treatment of mother of deceased Rukmani Bai was done by him and she had taken pills of sleeping which were also an attempt of suicide and she was discharged on 08.05.2017 at 5.00 hours vide Ex.P-14. The defense has not cross-examined this witness regarding the previous incident took place on 07.05.2017, as such remained unrebuttal about the attempt made by the deceased to commit suicide.

24. Considering the statements of the witnesses, it is quite vivid, that the deceased was subjected to continuous harassment and pressure to marry by the accused/respondent. The testimony of Rukmani Gupta (PW-7) clearly establishes that the respondent persistently compelled the deceased to marry him and threatened both the deceased and her mother with dire consequences in the event of refusal for marriage. Her testimony remained substantially unshaken in cross-examination and inspires confidence. The evidence further discloses that the conduct of the respondent was not an isolated incident but a continuing course of conduct and there is direct evidence brought on record by the prosecution regarding instigation done by the accused to commit suicide by the deceased. The prosecution witness PW-7 mother of the deceased has consistently stated that complaints were made regarding the respondent's behaviour, still he continued to harass the deceased which remained rebuttal during course of cross examination. In fact, her testimony of the mother of the deceased is corroborated with the opinion of Dr. Vivek Pratap Singh (PW-5), which

has been miserably failed to consider by the learned trial Court and has recorded perverse finding.

25. Learned trial Court on perverse finding recording at para-27 of the judgment, ignoring the evidence of PW-7 on the pretext that no witnesses have supported the evidence of this witness. This finding is not only perverse finding but contrary to the law that quality of the evidence has to be appreciated not the quantity of the evidence. The trial Court has further committed illegality in ignoring this evidence and recording the finding that mother of the deceased PW-7 has not made any complaint before any authority regarding conduct of the respondent whereas she has categorically stated that even the Police and Panchayat have advised the accused not to repeat the act but no improvement was made in his conduct and he continued in harassing the deceased.
26. Learned trial Court should have considered the fact that PW-7 beginning from the point of evidence recorded during merg inquiry and through the course of trial make it abundantly clear that the deceased was repeated tortured by the accused for marriage though their cast are different which lead the deceased to commit suicide, therefore, in the given fact and circumstances of the case, the offence against the respondent under Section 306 IPC has been proved beyond reasonable doubt by the prosecution and there is no reason to disbelieve the prosecution story. The same has been so lightly ignored by the learned trial Court while acquitting the respondent. The Hon'ble Supreme Court in the case of **Shakuntala Devi vs. State of U.P.**

reported in 2025 INSC 581 has held in para-11 of its judgment which is as under:-

11. The jurisprudence regarding the offence of abetment to suicide under Section 306 of the IPC is settled that the offence requires an active act or omission which led the deceased to commit suicide, and this act or omission must have been intended to push the deceased into committing suicide. The facts of the CrI. Appeal No.1131/2018 Page 8 of 9 case make it abundantly clear that the deceased was repeatedly tortured and abused by the accused on account of dowry demand to the extent that the deceased had to return to her parental home seeking refuge. It was only on the assurance of her parents that the deceased went back to her matrimonial home hoping that the events would take an upturn once her parents have returned from the wedding and settle the matter of dowry with the appellant-accused. However, the abuses hurled at the deceased by the appellant on the day of the incident, i.e. 04.05.1998, unfortunately acted as a straw that broke the camel's back and led her to committing suicide. Therefore, given the factual matrix, the guilt of the appellant under Section 306 of the IPC has been proved beyond reasonable doubt.

27. Learned trial Court has further committed illegality in ignoring the evidence of Dr. Vivek Pratap Singh PW-5 who has deposed before the trial Court before the said incident, he has earlier examined the deceased and her mother wherein he found that the deceased has cut her wrist and mother has also consumed poisonous pill to commit suicide, despite unrebuttal evidence of this witness. The trial Court has not given any weightage to this evidence and recorded a perverse finding of acquittal.
28. Learned trial Court has further committed illegality in acquitting the accused on the count that the alleged suicide has not been examined by the handwriting expert to prove the writing of the deceased. The learned trial Court has ignored the well settled legal position of law

that opinion of the expert is only corroborative evidence if the direct evidence to prove the guilt of the accused is available on record no corroborative evidence is necessary to prove the involvement of the accused in commission of the offence. The trial Court failed to appreciate the cumulative effect of the evidence and instead examined each circumstance in isolation. Such an approach resulted in miscarriage of justice whereas, the evidence on record clearly establishes a proximate nexus between the respondent's acts and the suicide committed by the deceased.

29. Thus there is direct material brought on record by the prosecution regarding continuous harassment to the deceased by the accused to instigate her to commit suicide, still it has been ignored by the trial Court so lightly in a casual manner, as such the impugned dated 16.01.2019 passed by the learned trial Court deserves to be set aside.
30. Further submission of the learned counsel for the respondent/accused that in case of acquittal, the power of interference of appellate Court is very limited as provided under Section 386 of the Cr.P.C./Section 427 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), is being considered by this Court.
31. It is well settled position of law that in a case of acquittal, the power of appellate Court is very limited and also that if two views are available then the view which is favourable to the accused has to be taken into consideration by the appellate Court but if there is only one view for conviction then only the appellate court can interfere with the findings of the trial Court acquitting the accused and can reverse the same.

Thus, submission made by the learned counsel for the appellant that if two views can be taken then view which is more favourable to the accused should be considered by the Court and should not interfere in the finding of the acquittal deserves to be rejected and accordingly it is rejected. Hon'ble the Supreme Court in case of **Babu Sahebagouda Rudragoudar and others v. State of Karnataka [2024 (8) SCC 149]** has examined in which circumstances the findings can be reversed and observed in paragraphs 41 and 42 as under:-

“41. Thus, it is beyond the pale of doubt that the scope of interference by an appellate Court for reversing the judgment of acquittal recorded by the trial Court in favour of the accused has to be exercised within the four corners of the following principles:

41.1 That the judgment of acquittal suffers from patent perversity; 41.2 That the same is based on a misreading/omission to consider material evidence on record;

41.3 That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.

42. The appellate Court, in order to interfere with the judgment of acquittal would have to record pertinent findings on the above factors if it is inclined to reverse the judgment of acquittal rendered by the trial Court.”

32. Thus, this Court in exercise of power conferred under Section 386 of Cr.P.C. (Section 427 in the Bharatiya Nagarik Suraksha Sanhita (BNSS)) can very well interfere in the findings recorded by the trial Court and can reverse such finding by convicting the accused for commission of offence under Section 306 of IPC.
33. Accordingly, the judgment of acquittal dated 16.01.2019 passed by the Sessions Judge, Korba in Sessions Case No. 70 of 2018 is set aside. The respondent is held guilty of the offence punishable under Section 306 IPC and is convicted, therefore, in compliance of Section 235 (2)

of the Cr.P.C./Section 254(2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, this Court has to hear the accused or his counsel on the question of sentence.

34. Accordingly, the matter be listed on **27th July, 2026** on that date, the accused or his counsel shall remain present before this Court for hearing on sentence.

Sd/-

(Narendra Kumar Vyas)
Judge

Santosh