

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case No. CrIA (AD) No. 7/2020

Reserved on:- 13.10.2025
Pronounced on:- 03.11.2025
Uploaded on:- 04.11.2025

Whether the operative part or full judgment
is pronounced:- **Full**

State of J&K throughAppellant(s)
SHO, Police Station, Jhajjar Kotli, Jammu.

Through:- Mr. Ravinder Gupta, AAG

V/s

1. Sanjay Singh,Respondent(s)
S/o Lakshman Singh
R/o Madheen, MohraGawar (Kanyala),
District Jammu.

2. Lakshman Singh,
S/o Ghulab Singh
R/o Madheen, MohraGawar (Kanyala),
District Jammu.

3. Smt. Satya Devi,
W/o Lakshman Singh
R/o Madheen, MohraGawar (Kanyala),
District Jammu.

Through:- Mr. G. S. Thakur, Advocate

CORAM: HON'BLE MR. JUSTICESANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

JUDGMENT

(Per: - Sanjay Parihar-J)

1.The aforesaid criminal acquittal appeal is directed against the
judgment dated 16.11.2016 passed by Additional Sessions Judge,

Jammu (hereinafter “the Trial Court”), whereby the respondents, who were facing trial for the offence punishable under Section 306 of the Ranbir Penal Code (RPC) arising out of FIR No. 119/2011 registered at Police Station Jhajjar Kotli, Jammu, have been acquitted of the said charge. Through the medium of this appeal, the appellants have prayed for setting aside the acquittal of the respondents, primarily on the ground that the impugned judgment is contrary to facts and law and has been rendered mechanically without proper appreciation of the material evidence brought on record. It is contended that the Trial Court failed to weigh the evidence in its proper perspective, whereas the occurrence stood duly proved, rendering the acquittal bad in the eyes of the law. According to the appellants, the prosecution had successfully established its case beyond a reasonable doubt, yet the Trial Court resorted to a perverse appreciation of evidence, and hence, the acquittal deserves to be set aside with a consequential conviction of the respondents for the offence under Section 306 RPC.

2. Briefly stated, the case of the prosecution before the Trial Court was that on 27.07.2011, one Raj Singh (PW-1), father of the deceased, lodged a written report at Police Station Jhajjar Kotli alleging that his daughter, namely, Arti Devi (hereinafter referred to as “the deceased”), who had been married to respondent No. 1 about five years prior, was being subjected to continuous harassment and taunts by her husband and in-laws for her inability to conceive and

bear a child. The complainant alleged that due to this persistent harassment, the deceased became distraught, and on the fateful day, after a quarrel with respondent No. 1, she ended her life by committing suicide. Based on the said report, FIR No. 119/2011 came to be registered under Section 306 RPC. During the investigation, it was found that the deceased had committed suicide by tying a “chunni” around her neck, leading to asphyxia and death due to strangulation. Upon completion of the investigation, a charge sheet was filed against all three respondents for the offence under Section 306 RPC, to which they pleaded not guilty and claimed trial.

3.The prosecution, to bring home the guilt of the accused, examined several witnesses, including PW-1 Raj Singh, PW-2 Som Singh, PW-3 Kamal Singh, PW-4 Kewal Singh, PW-9 Head Constable Kaka Ram, and PW-11 Dr Narinder Sharma, Medical Officer. After the conclusion of the prosecution's evidence, the respondents were examined under Section 342 Cr.P.C., but they did not opt to lead any defence evidence. Upon consideration of the material on record, the Trial Court concluded that there was no legal evidence connecting the respondents with the commission of the crime. The Court observed that even if the statements of PW-1 Raj Singh (father of the deceased), PW-2 Som Singh (cousin brother of the deceased), and PW-3 Kamal Singh (brother of the deceased) are examined, they merely reveal sporadic instances of matrimonial discord and

differences between the husband and wife, which are not uncommon in domestic life. The Court held that mere harassment or quarrels in the family, per se, do not constitute abetment to suicide as envisaged under Sections 306 and 107 RPC. Consequently, the Trial Court held that there was insufficient material to convict the accused of having abetted the deceased to commit suicide and acquitted them of the charge.

4. For the disposal of this appeal, a brief reference to the depositions of the witnesses is necessary. **PW-1 Raj Singh**, father of the deceased, deposed that respondent No. 1 used to consume liquor and often quarrelled with the deceased. The deceased resided at her matrimonial home and would occasionally visit her parents. On the day of the occurrence, he was informed by the neighbours of the respondents that his daughter had suffered a heart attack. Upon reaching the house of the respondents along with some villagers, he found the deceased lying dead. He did not allow the cremation to take place and informed the police. In his cross-examination, he denied the suggestion that respondent No. 1 had told him about slapping the deceased.

5. **PW-2 Som Singh**, cousin brother of the deceased, stated that respondent No. 1 was a habitual drunkard and that on a few occasions, the deceased had asked him to give up drinking. The

respondent had apologised and promised to mend his ways. The witness admitted that the deceased never told him that she was being beaten by her husband. In 2011, upon receiving information that the deceased had suffered a heart attack, he went to the house of the respondents and found that preparations for cremation were underway. On seeing the body, her aunts noticed marks on the neck, suggesting that the deceased had hanged herself. The witness expressed suspicion that respondent No. 1 might have hanged her, and accordingly, the police were informed. In his cross-examination, the witness admitted that the deceased mostly resided at her matrimonial home and visited her parental home only once in about six months. He also admitted that no complaint had ever been lodged against respondent No. 1 for misbehaviour before the incident.

6.PW-3 Kamal Singh, brother of the deceased, deposed that the deceased was subjected to torture by her in-laws, and that respondent No. 1, being addicted to liquor, often beat her and threatened to desert her. About 5–6 days before the incident, he had advised respondent No. 1 to mend his ways or face police action. On the day of the occurrence, they were informed that the deceased had died of a heart attack, but upon reaching the spot, they found that she had died due to hanging and accordingly informed the police. In cross-examination, he admitted that no complaint had ever been lodged by the deceased or her family regarding misbehaviour or cruelty by the

respondents, and also clarified that the accused had never taunted the deceased for not conceiving a child.

7.PW-4 Kewal Singh stated that the deceased had committed suicide but expressed ignorance about the reason behind such an act, as he had never witnessed any quarrel between the deceased and the respondents. **PW-11 Dr. Narinder Sharma**, the Medical Officer, deposed that the dead body was identified by respondent No. 1. The post-mortem revealed that the death had occurred within 12 hours before the examination and that the cause of death was asphyxia due to hanging, leading to cardio-pulmonary arrest. The doctor also stated that there were no other external marks of violence on the body of the deceased.

8. We have heard learned counsel for both sides and carefully examined the judgment of the Trial Court. The respondents were tried for the offence punishable under Section 306 of the Ranbir Penal Code, which deals with abetment to suicide. In this context, Section 107 RPC lays down that to constitute the offence of abetment, there must be intentional and active participation by the abettor in the commission of the act. The Trial Court, after appreciation of evidence, recorded findings of acquittal in favour of the respondents. It is well settled that this Court, while exercising appellate jurisdiction, possesses full power to review, re-appreciate,

and reconsider the evidence on which the order of acquittal is founded. The law does not restrict such power. However, judicial discipline and established precedents have consistently held that in the case of an acquittal, a “double presumption” operates in favour of the accused, firstly, the presumption of innocence, which is a fundamental principle of criminal jurisprudence, and secondly, the reinforcement of that presumption by virtue of the acquittal rendered by a competent court. It is equally well settled that if two reasonable views are possible based on the evidence available on record, the appellate court should refrain from disturbing the finding of acquittal recorded by the Trial Court.

9. Keeping the aforesaid principles in perspective, the material adduced by the prosecution in support of the charge may now be considered. From the perusal of evidence on record, it emerges that there is no tangible or credible material to suggest that there was any demand for dowry by the respondents, or that the deceased was subjected to cruelty or harassment with a view to coercing her to meet such a demand. The evidence merely establishes that respondent No. 1 was a habitual consumer of liquor; however, his being a drunkard by itself cannot lead to the presumption that such a habit rendered the life of the deceased miserable or drove her to take the extreme step. While consumption of liquor is undoubtedly an undesirable habit, its implications vary from person to person,

depending upon the domestic atmosphere and social context, and therefore cannot, by itself, be treated as evidence of abetment to suicide.

10. It was further alleged that the deceased had failed to conceive a child even after five years of marriage and that she was subjected to taunts and harassment by the respondents on that account. Though this allegation is serious in nature, a scrutiny of the testimonies of the prosecution witnesses reveals that there is not even an iota of evidence to substantiate the claim that the deceased was harassed or humiliated by her in-laws or husband for her inability to bear a child. None of the witnesses has deposed any specific instance or occasion when such taunts or acts of cruelty were made, thereby rendering this allegation unproven.

11. According to the prosecution, the witnesses were initially informed by the respondents that the deceased had died of a heart attack. However, upon reaching the matrimonial home of the deceased on 27.07.2011, they allegedly noticed red marks on her neck, which aroused suspicion regarding the cause of death. They immediately informed the police, asserting that the respondents had attempted to conceal the true cause of death by portraying it as a case of a heart attack. This circumstance, according to the appellants, shows that the respondents were attempting to suppress the real facts

surrounding the incident. However, this version appears to have been introduced during the course of the trial, as there is no mention of such an allegation in the written complaint lodged at the time of registration of the FIR. Moreover, though the prosecution witnesses also made general accusations that the deceased was being tortured by her in-laws, their testimonies fail to find any corroboration from independent or consistent evidence on record.

12. On examining the depositions of PW-1 Raj Singh, PW-3 Kamal Singh, and PW-Som Singh, it emerges that their testimonies are mutually contradictory and inconsistent. The versions narrated by these witnesses are marred by improvements and embellishments. The allegation that the deceased was being taunted for her inability to bear a child does not find corroboration from their statements, nor has the prosecution established that she was subjected to cruelty or harassment on account of any demand of dowry. Rather, PW-Som Singh went to the extent of stating that respondent No. 1 might have hanged the deceased, an assertion that constitutes a significant improvement, especially when the prosecution's case itself was premised on allegations of *abetment to suicide*. From the testimony of PW-Narinder Sharma, it appears that the death occurred due to hanging, leading to cardiopulmonary arrest. However, there is no tangible material to suggest that the respondents, in any manner, abetted the deceased to commit suicide. No evidence exists

indicating their active participation as abettors in the commission of suicide by the deceased.

13. Even assuming, for the sake of argument, that the deceased was unable to bear a child and that she was occasionally taunted for it, such an accusation, though distressing, cannot by itself attract the ingredients of Section 306 RPC. Undoubtedly, a woman expects dignity and respect in her matrimonial home; yet, what Section 306 contemplates is intentional instigation or persistent cruelty of such nature as to drive a person to end her life. Domestic discords and differences are common in marital relationships. The inability to conceive may arise from various causes, and individuals react differently to emotional stress. It often happens that temporary disputes or misunderstandings make a spouse feel uncomfortable within the matrimonial setting. However, an ordinary prudent person is expected not to take an extreme step merely on that account. In contemporary times, women are more aware, independent, and resilient in addressing such domestic issues.

14. Section 306 RPC requires the presence of acts or conduct that are sufficiently grave to incite or provoke a person to commit suicide. In the present case, the prosecution's evidence is shaky and unreliable. Neither has it been proved that the deceased was a habitual drinker, nor have the allegations of taunting for childlessness been

consistently supported by the witnesses. The alleged attempt by the respondents to portray the suicide as a case of a heart attack has also not been substantiated by credible evidence.

15. In view of the nature of the evidence adduced at trial, this case does not qualify as one warranting conviction under Section 306 RPC. The learned Trial Court has meticulously examined the material on record and arrived at a just and proper conclusion in acquitting the respondents. Upon our own reappraisal of the evidence, we find no perversity or infirmity in the findings returned by the Trial Court. Appeal is therefore dismissed and sent for records.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
03.11.2025
Diksha

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No