



**IN THE COURT OF III ADDL. DIST. AND SESSIONS JUDGE AT
TUMAKURU**

PRESENT :

Nagireddy.A, BA.L., LL.B, LL.M.,
III Addl. District and Sessions Judge,
Tumakuru

Spl.Case.No.351/2023

Dated this the 10th day of July 2026

Complainant: State by Thirumani Police Station,
Pavagada Rural Sub-division, Tumakuru
(By learned Public Prosecutor)

V/s

Accused : 1. Babu S/o Imamsab,
Aged about 35 years,
(Abated)
2. Raheem S/o Imamsab,
Aged about 30 years,
R/at Gyadigunte Village,
Nagalamadike Hobil,
Pavagada Taluk, Tumakuru District.
(By Sri.V.B/ S.K.M, Advocate)

ORDERS

On April 4, 2023, at 5:30 p.m., the complainant, Mutyalappa, filed a complaint at the Thirumani police station. His complaint states that his elder sister, Rathnamma, the wife of the late Sriramappa, had a financial transaction with accused No.1,



Babu S/o Imamsab, a resident of Gyadigunte Village, Nagalamadike Hobil, Pavagada Taluk. Accused No.1 had received money from his sister but failed to repay the loan. As a result, Rathnamma filed a complaint with the Thirumani police station on April 3, 2023. Subsequently, accused No.1 and 2 called Rathnamma to Gyadigunte Village. On April 4, 2023, at 11:30 a.m., the villagers of Gyadigunte informed him that a woman had been hanged on the land belonging to accused No.1. He immediately went to the scene and discovered that the victim was his sister, Rathnamma. He suspects that she was hanged to death by accused No.1 and 2. Therefore, he sought for an action to be taken against the accused persons.

2. Based on his complaint, a case came to be registered for the offence punishable U/Sec.302 R/w.34 of IPC and 3(2)(va) of Schedule Caste and Scheduled Tribe (Prevention of Atrocities) Act (SC & ST(POA) Act) and submitted the same to this court.

3. Subsequently, Investigation Officer visited the spot drew up spot mahazar, seized material objects, he has also conducted



inquest mahazar on the dead body of Rathnamma. The postmortem was carried out and upon collecting the relevant documents, the Investigation Officer filed charge sheet against the accused No.1 and 2 for the offence punishable U/Sec. 306 R/w Sec.34 of IPC and section 3(2)(va) of SC & ST(POA) Act. As per the charge sheet, it is the case of prosecution that Accused No.1, Babu, is a resident of Gyadigunte village, while Rathnamma lives in Pendlijeevi village. Rathnamma, who belongs to a scheduled caste, had been in contact with Babu because he borrowed money from her. However, since Babu did not return the loan amount, he began to harass Rathnamma and ceased communication with her. On the night of April 3, 2023, Rathnamma went to Gyadigunte village to demand the repayment of the money he owed her. In response, Babu and accused No.2 engaged in a quarrel with Rathnamma. They assaulted her with their hands, insisting that they would not give her any money, claiming they had none and telling her to leave. They further stated, 'Even if you die, we will not give you any



money. Do whatever you want; go away and die anywhere; we won't be bothered by you.' Due to the instigation and harassment from accused Nos.1 and 2, Rathnamma tragically hanged herself with her saree on a Honge tree located on the property of accused No.1 in Gyadigunte village between 7:00 a.m. and 11:30 a.m. on April 4, 2023.

4. After taking cognizance of the offence, this court has secured the presence of accused No.1 and 2. They are on bail. The copy of charge sheet was supplied to them through their counsel. When the case was set down for hearing before charge (HBC), accused No.1 passed away. Therefore the proceedings as against the accused No.1 was closed as abated.

5. During the hearing before framing of charges (HBC), the learned counsel for accused No.2 argued that there is insufficient material to justify the framing of charges against him for the offence punishable under Section 306 of the IPC and Section 3(2) (va) of the SC & ST (POA) Act. After taking through the complaint, as well as the statements of material witnesses and other



documents submitted with the charge sheet, the counsel contended that the necessary ingredients required to establish a prima facie case under Section 306 of the IPC are not met. The counsel pointed out that there are vague allegations against accused No.2, suggesting that he was present when the deceased approached the house of accused No.1 to request repayment of a loan. It is claimed that both he and accused No.1 allegedly assaulted the deceased, stating that they would not pay any money and telling her to 'go and die.' Furthermore, the counsel noted that even in the complaint prepared by the deceased for submission to the police, all allegations were directed solely at accused No.1, with no mention of accused No.2 at all. Consequently, the counsel argued that the prosecution witnesses, specifically CW 1 to 4, are hearsay witnesses and that, prima facie, there is no direct evidence to establish that accused No.2 was present during the incident that occurred near accused No.1's house on April 4, 2023. Additionally, he submitted that accused No.2 does not reside in Gyadigunte village alongside accused



No.1; rather, he lives separately. In light of these arguments, the counsel prayed for the discharge of accused No.2 under Section 227 of the Cr.P.C. In support of his arguments he relied upon the following decisions;

(i) 2025(2) KCCR SN 72 (SC) Yuvraj Laxmilal Kanther and Another V/s. State of Maharashtra in Criminal Appeal No.2356 of 2024, decided on 7.3.2025.

(ii) 2025(1) KCCR 462 (SC) Mahendra Awase V/s. State of Madhya Pradesh in Criminal Appeal No.221 of 2025, decided on 17.1.2025.

(iii) Sanju @ Sanjay Singh Sengar V/s. State of Madhya Pradesh decided on 01.05.2002

6. On the other hand, the learned Public Prosecutor has argued that there is prima facie sufficient material to frame charges against accused No.2, who, in fact, instigated the deceased to commit suicide. She has pointed out that witnesses CW.1 to CW.4, in their statements, have clearly stated the involvement and active role of accused No.2 in abetting the suicide. Therefore, a detailed trial is necessary in this case. Hence, she prays for the framing of charges against accused No.2 for the



offense punishable under Section 306 read with Section 34 of the IPC and Section 3(2)(va) of the SC and ST (POA) Act.

7. Having heard, the following point that arises for my determination;

“Whether the accused No.2 is entitled to be discharged ?”

8. My answer to the above point is in the **Affirmative**, for the following;

REASONS

9. Admittedly, accused No.1 and 2 been charge sheeted for the offence punishable under Sec.306 R/w Sec.34 of IPC and Sec.3(2)(va) of SC/ST(POA) Act. The Hon’ble Supreme Court in the case of **Laxmi Das V/s State of West Bengal Crl.Appeal No.706/2017 decided on 21.01.2025**. While considering the offence under Sec.306 of IPC has held as under;

7. Section 306 IPC is reproduced below for ready reference:

“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." We must read Section 306 IPC with Section 107 IPC which defines 'Abetment'; and it reads as below:

"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 willful misrepresentation, or by willful 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."

8. When Section 306 IPC is read with Section 107 IPC, it is clear that there must be (i) direct or indirect instigation; (ii) in close proximity to the commission of suicide; along with (iii) clear mens rea to abet the commission of suicide.

9. The Appellant has placed strong reliance upon the judgment in Rohini Sudarshan Gangurde v. State of Maharashtra and Another¹, wherein this Court has interpreted Sections 306 and 107 IPC together and observed:



"8. Reading these sections together would indicate that there must be either an instigation, or an engagement or intentional aid to 'doing of a thing'. When we apply these three criteria to Section 306, it means that the accused must have encouraged the person to commit suicide or engaged in conspiracy with others to encourage the person to commit suicide or acted (or failed to act) intentionally to aid the person to commit suicide.

13. After carefully considering the facts and evidence recorded by the courts below and the legal position established through statutory and judicial pronouncements, we are of the view that there is no proximate link between the marital dispute in the marriage of deceased with appellant and the commission of suicide. The prosecution has failed to collect any evidence to substantiate the allegations against the appellant. The appellant has not played any active role or any positive or direct act to instigate or aid the deceased in committing suicide. Neither the statement of the complainant nor that of the colleagues of the deceased as recorded by the Investigating Officer during investigation suggest any kind of instigation by the appellant to abet the commission of suicide.

There is no allegation against the appellant of suggesting the deceased to commit suicide at any time prior to the commission of suicide by her husband."

10. In *Prakash and Others v. The State of Maharashtra and Another*², this Court has further interpreted the offence as below:



"13. 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 of the 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 of the IPC has to be satisfied".

14. Section 306 read with Section 107 of 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."

11. At this juncture, it is pertinent to refer to cases that define the act of 'instigation'. Accordingly, in *Ramesh Kumar v. State of Chhattisgarh*, this Court observed:

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

12. Reliance is to be placed upon Pawan Kumar v. State of Himachal Pradesh⁴, wherein the Supreme Court held:

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

13. Upon a perusal of several aforementioned judicial pronouncements, we find ourselves unable to agree with the High Court and Trial Court. Even if all evidence on record, including the charge sheet and the witness statements, are taken to be correct, there is not an iota of evidence against the Appellant. We find that the acts of the Appellant are too remote and indirect to constitute the offense under Section 306 IPC. There is no allegation against the Appellant of a



nature that the deceased was left with no alternative but to commit the unfortunate act of committing suicide.

10. In this background of the afore said settled principles of law in the decision supra, it is essential to examine the facts and circumstances of the case to find out whether there are sufficient material to proceed further against accused No.2 for framing of charges for the aforementioned offences.

11. Upon perusing the details of the complaint, it appears that concerning accused No.2, it has been alleged that when the deceased, Rathnamma, filed a complaint against accused No.1 on April 3, 2023, both accused No.1 and 2 summoned her to Gyadigunte village. Subsequently, on April 4, 2023, at 11:30 a.m., the villagers of Gyadigunte informed him that a woman had been found hanging from a tree. He then went to the location and identified the victim as his sister. Furthermore, the details of the complaint suggest that CW.1, suspecting that accused No.1 and 2 were involved in his sister's death by hanging, filed the complaint. Thus, the complaint is based solely on suspicion against accused



No.1 and 2, and no specific allegations have been made against accused No.2.

12. During the course of the investigation, the Investigation Officer recorded a further statement from CW.1, Mutyalappa. In his statement, he mentioned that he learned that accused No.1 had taken a loan from his sister-in-law. Despite repeated requests for repayment, accused No.1 failed to return the loan and was harassing her, as he was also avoiding contact with her. On the night of April 3, 2023, his sister-in-law went to Gyadigunte village to ask accused No.1 to repay the loan. At that time, accused Nos.1 and 2 confronted her, quarreled with her, and physically assaulted her, stating that they would not pay her any money and had no debts to her. They went so far as to say that they would not pay her and might as well die. The following day, April 4, 2023, Rathnamma was found hanging from a Honge tree on the land of accused No.1. Villagers from Gyadigunte, who were grazing sheep, informed Mutyalappa about the incident. He then went to



the spot and confirmed that it was his sister-in-law. Subsequently, he filed a complaint.

13. Upon reviewing CW.1's further statement, it becomes evident that he lacks personal knowledge regarding several key aspects. First, he does not have direct knowledge of his sister-in-law lending money to accused No.1. Second, he is unaware of any failure by accused No.1 to repay the loan or of any harassment towards Rathnamma. Third, he has no personal knowledge of the events that transpired on April 3, 2023, involving the accused and the deceased. Consequently, whatever claims this witness has made are based solely on hearsay, and his statement does not indicate that Rathnamma informed him about lending money to accused No.1. Furthermore, he has not mentioned that she communicated details of the incident that allegedly occurred on April 4, 2023. Therefore, it can be concluded that CW.1's statements do not meet the necessary criteria outlined in Section 306 of the IPC.



14. CW.2, Akkalappa, is a resident of Pendlijeevi village. He provided his statement to the police on May 18, 2023. In his statement, he claims to know Rathnamma, who is also from his village and belongs to the Adi-Karnataka caste. Upon reviewing the statement of this witness, it becomes evident that he is primarily a hearsay witness regarding the loan advanced by Rathnamma to accused No.1, as well as the incident that allegedly occurred on April 3, 2023, in Gyadigunte village involving the accused and the deceased Rathnamma. Additionally, his statement does not indicate who informed him about the incident from April 3, 2023. He merely mentions that he learned about these facts. As a result, his statement is vague and does not meet the necessary elements outlined in Section 306 of the IPC.

15. CW.3, Gangadhar, is a resident of Pendlijeevi village. He stated that he learned that accused No.1 had taken a loan from the deceased, Rathnamma, and that the loan amount had not been returned despite her repeated requests. Further, he mentioned that on the night of April 3, 2023, a quarrel occurred



between the accused and Rathnamma when she approached them about repaying her loan. However, upon perusing CW.3's statement, it becomes evident that he is not an eyewitness to the incident involving the accused and the deceased. Instead, he is considered a hearsay witness. Moreover, it is unclear from his account whether he obtained the information he shared directly from Rathnamma. It is also ambiguous regarding from whom he acquired the details he presented. Therefore, based on CW.3's statement, it cannot be concluded that the necessary elements of Section 306 of the IPC have been established.

16. CW.4, Gangarathnamma, is the neighbor of the deceased from Pendlijeevi village. She stated that she learned about the financial transactions between accused No.1 and the deceased, Rathnamma, and that the incident occurred on April 3, 2023. Upon perusing her statement recorded under Section 161 of the Cr.P.C., it is clear that she is not an eyewitness to any of the events that transpired between the accused and Rathnamma. Her knowledge of the facts in her statement comes from unknown



source. Therefore, the statement of CW.4 does not establish a case that would constitute an offense under Section 306 of the IPC.

17. CW.5, Obalesh and CW.6 Yarrappa are the witnesses to the spot mahazar. According to the prosecution's case, the Investigation Officer conducted a spot mahazar in the presence of CW.5 and CW.6 on April 5, 2023, between 2:00 p.m. and 2:45 p.m. This took place on the land of accused No.1, located in Gyadigunte village, under Sy.No.55.

18. The inquest mahazar witnesses are CW.17 to CW.11. According to the prosecution's case, on April 5, 2023, between 10:30 a.m. and 1:00 p.m., the Investigation Officer conducted the inquest mahazar on the body of Rathnamma at the Government Hospital in Pavagada. At that time, these witnesses provided their statements. Upon perusing their statements, it appears that none of the witnesses made any specific allegations against accused No.2. They expressed suspicion towards both accused No.1 and 2, but did not provide any concrete evidence against them.



Therefore, their statements are insufficient for framing charges against accused No.2 for the offense punishable under Section 306 of IPC.

19. CW.12, Obaleshappa, and CW.13, Marappa, are the witnesses for the seizure mahazar. According to the prosecution's case, on April 14, 2023, the Investigation Officer conducted a seizure mahazar in the office of the Deputy Superintendent of Police, Madhugiri Sub-division. At that time, CW.1 produced the mobile phone of the deceased, along with a xerox copy of a document signed by the deceased, Rathnamma. This mahazar was recorded between 5:00 p.m. and 6:00 p.m. in the presence of the aforementioned witnesses. Further examination of this seizure mahazar reveals that the xerox copy of the document, seized by the Investigation Officer and signed by Rathnamma, indicates that she had written a complaint to the Police Sub-Inspector of the Thirumani police station in Pavagada Taluk against the accused No.1, Babu. In her complaint, Rathnamma stated that about two years ago, the accused No.1 had taken a



loan of Rs.1,40,000 for his legal necessities. Subsequently, he failed to repay the loan and kept postponing the payment. She also claimed that he had sexually assaulted her, and that he is now involved with one Ashwini from Pendlijeevi village. Rathnamma stated that accused No.1 instead of repaying her loan amount, harassing her. Thus, Rathnamma sought action against him. It is worth noting that the complaint prepared by the deceased does not mention the name of accused No.2. If accused No.2 had been involved in the alleged loan transaction, she would have included his name. Therefore, even based on the seizure mahazar, there no sufficient material to proceed with charge against accused No.2 under Section 306 of the IPC.

20. CW.14, Dr. Gunnayya is the doctor who has conducted postmortem of the deceased. He has issued postmortem report on April 6, 2023 opining that death is of Rathnamma was due to Asphyxia as a result of hanging by ligature.



21. CW.15, Chikkanna is the Assistant Engineer, PWD Pavagada is the witness who has prepared a sketch of scene of occurrence and issued the sketch.

22. CW.16, Sujatha is the Tahsildar, Pavagada Taluk. She has issued the caste certificates pertaining to CW.1, deceased Rathnamma and accused persons. This caste certificate indicates that deceased is the member of schedule caste and accused persons are not the members of schedule caste or schedule tribe.

23. CW.17, Narasimhamurthy, Deputy Tahsildar Nagalamadike Hobli, Pavagada Taluk has issued RTC extract pertaining to the place where Rathnamma committed suicide. On perusal of RTC Extract, it reveals that one Honnuramma W/o Late Imamsab is owner of the land bearing Sy.No.55 situated Gyadigunte village, Nagalamadike Hobli, Pavagada Taluk.

24. Remaining witness CW.18 to 26 are the police officials witness who have taking part in the investigation of the case and filing of charge sheet against the accused No.1 and 2.



25. It is important to note that, as evidenced by the statements of witnesses CW.1 to CW.4, Accused No.1 and 2 allegedly told the deceased during a quarrel on April 3, 2023, to 'go and die.' The question arises as to whether these words amount to instigation. The Hon'ble Supreme Court, in the case of **Sanju @ Sanjay Singh Sengar**, held that the phrase 'to go and die' does not constitute sufficient grounds for instigation, and therefore, the charge under Section 306 of IPC is not sustainable.

26. In the present case, the accused are also alleged to have used the same words towards the deceased. Consequently, in light of the aforementioned judgment, this utterance does not serve as sufficient evidence of instigation. Given these circumstances, I am of the opinion that there is insufficient material to frame charges against Accused No.2 for the alleged offenses. Thus, he is entitled to be discharged from the charges against him. Accordingly, the above **point is held in the Affirmative**. Hence, the following;



ORDER

The accused No.2 is hereby discharged
U/Sec.227 of Cr.P.C. for the offence punishable
under Sec.306 of IPC and Sec 3(2)(va) of
SC/ST(POA) Act.

His bail and surety bond stands canceled.

(Dictated to the Stenographer, after transcription, typed, print out taken by her,
corrected, signed and then pronounced on this the 10th day of July 2026)

(Nagireddy.A)
III Addl. Dist & Sessions Judge,
Tumakuru.