

KATK010047762023



**IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS
JUDGE, AT TUMAKURU**

PRESENT

Sri B. Jayantha Kumar, B.A., Law, LL.M.
Prl. District and Sessions Judge,
Tumakuru.

Dated this the 28th day of July, 2026

S. C. No. 106/2023

Complainant :- State by Gubbi Police Station, Gubbi Circle,
Gubbi Taluk, Tumakuru District.

**(By learned Public Prosecutor,
Tumakuru)**

-VERSUS-

Accused :- Kumara S/o. Rajanna, Aged about 41
years, R/at Babu Jagajeevan Ram Nagara,
Gubbi.

**(Rep. by Sri. H.N.Gurunanjegowda,
Advocate)**

1. Date of Commission of : 17.07.2022 to 18.07.2022
Offence
2. Date of Report of offence : 18.07.2022
3. Date of arrest of the : 19.07.2022
accused



4. Date of release of accused : Granted bail in Crl. Mis. No.57/2023 by the 1st ADJ, Tumakuru on 23.01.2023 and released on 31.01.2023.
5. Name of the complainant : Jayamma.
6. Date of commencement of Evidence : 27.11.2025
7. Date of closing of evidence : 10.07.2026
8. Offences complained of : Sec.306 of I.P.C.
9. Opinion of the Judge : : Accused found not guilty.

JUDGMENT

Accused is charged and prosecuted for the offence punishable U/Secs.306 of Indian Penal Code (hereinafter will be referred as I.P.C.).

2. The brief facts of the case of the prosecution are as follows:

It is alleged that on 17.07.2022 at about 9.30 p.m., at Jagajeevanram Nagara of Gubbi Town, in the residential hut of the accused and deceased Mala, the accused quarrelled with deceased Mala and abused her in filthy language in front of



their children C.W.2 Divya and C.W.3 Kavya and said that 'ನೀನು ಎಲ್ಲಿಗಾದರೂ ಹೋಗಿ ಸಾಯಿ' and after the galata, the accused went for sleeping in the house of C.W.4 Suvarnamma along with C.W.2 and C.W.3 by leaving the deceased Mala alone in the hut and during night hours, deceased Mala became desperate and written a death note as “ನನ್ನ ಗಂಡ ಬಿಡಲ್ಲ, ಬರಿ ಕೆಟ್ಟ ಕೆಟ್ಟ ಮಾತುಗಳು ಆಡಿ ನನ್ನ ಮನಸ್ಸು ತುಂಬಾ ನೊಂದಿದೆ, ಅದಕ್ಕೆ ನಾನು ಈ ತೀರ್ಮಾನ ತೆಗೆದುಕೊಂಡಿದ್ದೇನೆ” and at the instigation of her husband i.e., the accused, she committed suicide by hanging herself by putting sari to the iron pipe installed at middle portion on the top of the hut and thereby the accused has instigated the deceased to commit the offence as alleged and on the basis of the complaint lodged by the complainant Jayamma, the mother of the deceased, the respondent police have registered a case in Crime No.176/2022 and took up investigation, went to the place of incident, drew up mahazar and also seized incriminating materials by drawing mahazar and recorded the statements of witnesses and after completion of investigation formalities, filed charge sheet against the accused.

3. The accused was arrested during the crime stage and



he was remanded to judicial custody. On submission of charge sheet against accused, cognizance of the offence was taken by the learned Senior Civil Judge and J.M.F.C., Gubbi and registered the case in C.C.No.4203/2022. The learned Magistrate has complied Section 207 of Cr.P.C. by furnishing copy of the charge sheet to the accused. The 1st Additional District & Sessions Court, Tumakuru has granted bail to the accused vide order dated 23.01.2023 in Crl. Mis. No.57/2023 and he was released on bail on 31.01.2023. The learned Magistrate committed the case to this Court for trial against accused since the offence U/Sec.306 of I.P.C. are exclusively triable by the Sessions Court.

4. On receipt of the entire record of C.C.No.4303/2022 by this court, the present case is numbered as S.C.No.106/2023 and this court has secured the presence of accused by issuing summons, charge was framed, read over and explained to the accused for the offence punishable U/Sec.306 of IPC. The accused pleaded not guilty and claimed to be tried. Hence, the case was posted for trial.



5. During the course of trial, the prosecution has examined altogether 12 witnesses as P.W.1 to P.W.12 out of 17 witnesses cited in the charge sheet and got marked Exs.P.1 to P.19 and material objects as M.O.1 and closed its side.

6. After conclusion of trial, this court recorded the statement of accused under Sec.313 Cr.P.C. The accused has denied all the incriminating circumstances appeared in the evidence.

7. Heard the arguments of learned Public Prosecutor and learned counsel for the accused persons.

8. The following points arise for my determination;

1. Whether the prosecution proved beyond all reasonable doubt that, on 17.07.2022 at about 9.30 p.m., at Jagajeevanram Nagara of Gubbi Town, in the residential hut of the accused and deceased Mala, the accused quarrelled with deceased Mala and abused her in filthy language in front of their children C.W.2 Divya and C.W.3 Kavya and said that 'ನೀನು ಎಲ್ಲಿಗಾದರೂ ಹೋಗಿ ಸಾಯಿ' and after the galata, the accused went for sleeping in the



house of C.W.4 Suvarnamma along with C.W.2 and C.W.3 by leaving the deceased Mala alone in the hut and during night hours, deceased Mala became desperate and written a death note as “ನನ್ನ ಗಂಡ ಬಿಡಲ್ಲ, ಬರಿ ಕೆಟ್ಟ ಕೆಟ್ಟ ಮಾತುಗಳು ಆಡಿ ನನ್ನ ಮನಸ್ಸು ತುಂಬಾ ನೊಂದಿದೆ, ಅದಕ್ಕೆ ನಾನು ಈ ತೀರ್ಮಾನ ತೆಗೆದುಕೊಂಡಿದ್ದೇನೆ” and at the instigation of her husband i.e., the accused, she committed suicide by hanging herself by putting sari to the iron pipe installed at middle portion on the top of the hut and thereby committed the offence punishable under Section 306 of I.P.C.?

2. What order?

9. My finding on the above points are as follows;

Point No.1 : In the **Negative.**

Point No.2 : As per final order, for the following:

REASONS

10. **Points No.1:-** It is the case of the prosecution that, on 17.07.2022 at about 9.30 p.m., at Jagajeevanram Nagara of Gubbi Town, in the residential hut of the accused and deceased Mala, the accused quarrelled with deceased Mala and abused her in filthy language in front of their children



C.W.2 Divya and C.W.3 Kavya and said that ‘ನೀನು ಎಲ್ಲಿಗಾದರೂ ಹೋಗಿ ಸಾಯಿ’ and after the galata, the accused went for sleeping in the house of C.W.4 Suvarnamma along with C.W.2 and C.W.3 by leaving the deceased Mala alone in the hut and during night hours, deceased Mala became desperate and written a death note as “ನನ್ನ ಗಂಡ ಬಿಡಲ್ಲ, ಬರಿ ಕೆಟ್ಟ ಕೆಟ್ಟ ಮಾತುಗಳು ಆಡಿ ನನ್ನ ಮನಸ್ಸು ತುಂಬಾ ನೊಂದಿದೆ, ಅದಕ್ಕೆ ನಾನು ಈ ತೀರ್ಮಾನ ತೆಗೆದುಕೊಂಡಿದ್ದೇನೆ” and at the instigation of her husband i.e., the accused, she committed suicide by hanging herself by putting sari to the iron pipe installed at middle portion on the top of the hut and thereby the accused instigated the deceased Mala to commit suicide.

11. The learned Public Prosecutor argued that the prosecution has examined in all 12 witnesses as P.W.1 to P.W.12 and got marked Ex.P.1 to P.19 and M.O.1 and proved the case beyond all reasonable doubt. The deceased Mala has committed suicide due to the abetment made by the accused and therefore, prayed for conviction of the accused.

12. The learned counsel for the accused argued that



there are no material to convict the accused for the alleged offence. The ingredients of the offence U/Sec.306 of I.P.C. are not proved, no independent witnesses have supported the case of the prosecution and prayed for acquittal of the accused.

13. Whether the accused has abetted the suicide of deceased Mala by instigating her, has to be appreciated on the basis of oral as well as documentary evidence of the prosecution. To bring home the guilt of the accused for the offence punishable under Sec.306 of I.P.C., the prosecution has to prove,

(a) That the victim of the offence committed suicide.

(b) That the accused abetted commission of said offence, such abetment being one under Sec.107 of I.P.C. The essential ingredients of the offence under Sec.306 of I.P.C. are abetment and intention of the accused to aid or instigate or abet deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, the accused cannot be convicted under Sec.306 of I.P.C.



14. Before discussing the oral evidence, it would be relevant to refer to the documents marked by the prosecution. Ex.P.1 is the notice given to the panch witness, Ex.P.2 is the inquest mahazar of deceased Mala conducted on 18.07.2022, Ex.P.3 is the statement of P.W.1 Chandrashekhara, Ex.P.4 is the first information lodged by P.W.1, Jayamma, the mother of deceased Mala, Ex.P.5 is the seizure mahazar dated 26.07.2022, Ex.P.6 is the king size note book, Ex.P.7 is the note book written before the death, Ex.P.8 is the statement of P.W.3 Divya, Ex.P.9 is the statement of P.W.4 Kavyashree, Ex.P.10 is the statement of P.W.5 Suvarnamma, Ex.P.11 is the statement of P.W.6 Manjula, Ex.P.12 is the spot mahazar conducted on 19.07.2022 between 9.00 a.m. and 9.30 a.m., Ex.P.13 & P.14 are the two police reports dated 18.07.2022, Ex.P.15 is the post mortem report of deceased Mala, Ex.P.16 is the first information report, Ex.P.17 is the F.S.L. report, Ex.P.18 is the F.S.L. sample seal and Ex.P.19 is the acknowledgment of S.F.S.L.

15. At this juncture, it would be worthwhile to refer to the decision of the Hon'ble Supreme Court reported in **AIR**



2002 SC 1998 in the case of Sanju @ Sanjay Singh Sengar Vs. State of Madhya Pradesh. In the said decision, the Hon'ble Supreme Court has held as follows:

“Even if we accept the prosecution story that the appellant did tell the deceased 'to go and die', that itself does not constitute the ingredient of 'instigation'. The word 'instigate' denotes incitement or urging to do some drastic or unadvisable action or to stimulate or incite. Presence of mens rea. Therefore, is the necessary concomitant of instigation. It is common knowledge that the words uttered in a quarrel or in a spur of the moment cannot be taken to be uttered with mens rea. It is in a fit of anger and emotional. Secondly, the alleged abusive words, said to have been told to the deceased were on 25th July, 1998 ensued by quarrel. The deceased was found hanging on 27th July, 1998. Assuming that the deceased had taken the abusive language seriously, he had enough time in between to think over and reflect and, therefore, it cannot be said that the abusive language, which had been used by the appellant on 25th July, 1998 drove the deceased to commit suicide. Suicide by the deceased on 27th July,



1998 is not proximate to the abusive language uttered by the appellant on 25th July, 1998. The fact that the deceased committed suicide on 27th July, 1998 would itself clearly pointed out that it is not the direct result of the quarrel taken place on 25th July, 1998 when it is alleged that the appellant had used the abusive language and also told the deceased to go and die. This fact had escaped notice of the courts below.”

So, on going through this judgment, it is clear that the abetment must be in such a way that the accused must say 'to go and die' and in the absence of such abetment, Sec. 306 does not attract.

16. It is also necessary to go through the decision of the Hon'ble Supreme Court reported in **AIR 2019 Supreme Court 478 in the case of Rajesh Vs. State of Haryana**. In the said decision, the Hon'ble Supreme Court has held as follows:

“(B) Penal Code (45 of 1860), S. 306 – Abetment of suicide – Allegation of harassment without there being any positive action proximate to time of occurrence on part of accused, which led or compelled person to commit suicide – Conviction



of accused under S.306, unsustainable.”

In this judgment, Hon'ble Supreme Court has held that the conviction of the accused under Sec.306 of IPC is unsustainable if the allegation of harassment without there being any positive action proximate to time of occurrence on part of accused, which led or compelled person to commit suicide.

17. The Hon'ble Supreme Court in a decision reported in **AIR 2017 Supreme Court 74 in the case of Gurcharan Singh Vs. State of Punjab** has held as follows:

“Penal Code (45 of 1860), S.306 – Abetment of suicide – S. 306 criminalises sustained incitement for suicide – Suicide committed by deceased and her two daughter – Apart from omnibus grievance against her in-laws to be responsible for their death in suicide note – There is no reference or disclosure of any specific incident in support thereof – No material showing any act of cruelty harassment or inducement so as to persistently provoke or compel deceased to commit suicide – Ingredient of offence under Sec.306 not proved – Conviction of accused persons, set aside.”



18. So, keeping in view of the principles laid down in the above said decisions and judgments, now let me go through the oral evidence as well as documentary evidence to decide as to whether the prosecution has proved the ingredients of offence under Sec.306 of IPC? and, is there any abetment to commit suicide at the instance of accused resulting the suicide of Sandya?

19. Let me go through the oral evidence of the prosecution. C.W.6 Chandrashekhara is examined as P.W.1. He deposed that he knows the accused and his wife Mala, he knows about their children, he does not know how was his family, accused is doing painting work, he does not know how the accused was looking after her wife, he never advised the accused, he has not heard any galata from the house of the accused, he do not know the reason for the death of Mala and deceased did not speak with him before the death, on 17.07.2022, he did not hear anything from the house of the accused, he has not given any statement before the police, his signature is on the notice and panchanama, the police took his signature when he was



going to work in front of the police station, police have not visited the house of the accused, his photo is in the mahazar, he went to the hut of Kumara to see the dead body of deceased Mala, but he did not know when he went to the hut, he do not know how she is dead, nothing is seized in his presence. Since this witness has not supported the case of the prosecution, he was cross-examined by the learned Public Prosecutor, but nothing has been elicited from his mouth regarding the abetment caused by the accused to Mala to commit suicide.

20. C.W.1 Jayamma, the mother of deceased Mala is examined as P.W.2. She stated that she has 3 children i.e., Ramakka, Muddaramaiah and Mala and about 15 years back, her daughter Mala was given in marriage to accused Kumara, they have two daughters i.e., Kavya and Divya and after the marriage both accused and Mala were leading happy married life, her daughter dead by committing suicide, she has stomachache and she died by hanging herself and this fact was informed to her by the neighbours of her daughter, by knowing the facts, she came to the house of her daughter at Gubbi and by that time, her daughter was made to slept in her house and



her grand daughter were sitting on the side of the dead body and they did not tell anything to her, the accused was not present in the place, then the dead body taken for post mortem, she did not tell this fact to anybody, she put her thumb impression, but she do not know the contents of the same, there was nothing around the dead body of her daughter, the dead body of her daughter was given after the post mortem examination. She further deposed that her daughter studied up to 2nd P.U.C., she can identify her daughter's signature, she has not given any materials to the police and they have not seized anything, she can identify the thumb impression at mahazar, accused is her son-in-law, her grand children are residing with her and her son-in-law and they held marriage of her elder grand daughter. Since this witness has also not supported the case of the prosecution about the incident, she was cross-examined by the learned Public Prosecutor, but nothing has been elicited from her mouth regarding the abetment caused by the accused to Mala to commit suicide.

21. C.W.2 Divya and C.W.3 Kavyashree, the daughters of



deceased and accused are examined as P.W.3 and P.W.4 and they have deposed that the accused is their father, deceased is her mother, C.W.1 Jayamma is their grand mother, about 2-3 years back, her mother died, their mother was having stomachache, their mother has committed suicide using sari when they were sleeping, they informed this incident to their grand mother, their parents were in cordial terms in the house, thereafter the dead body of their mother was taken by the police for post mortem examination, they do not know why her mother has committed suicide, they have not given any statements before the police and they cannot identify her mother's signature. Since these witnesses have not supported the case of the prosecution, they were cross-examined by the learned Public Prosecutor, but nothing has been elicited from their mouth regarding the abetment caused by the accused to Mala to commit suicide.

22. C.W.4 Suvarnamma and C.W. 5 Manjula are examined as P.W.5 and P.W.6. In their evidence, they deposed that they know accused Kumara and his wife Mala, the house of accused is situated beside their house, the family of Mala was well,



Mala has stomachache, they do not know how Mala died, Mala did not tell them about her family, they do not know how many years have lapsed since her death, they did not give any statements before the police. Since these witnesses have not supported the case of the prosecution, they were cross-examined by the learned Public Prosecutor, but nothing has been elicited from their mouth regarding the abetment caused by the accused to Mala to commit suicide.

23. C.W.8 Shivakumar.G.C., spot mahazar witness to Ex.P.12, examined as P.W.7. He deposed that his signature is there in Ex.P.12 spot mahazar, the police have taken his signature in Gubbi Police station when he went there in respect of temple galata, he do not know its contents, he has seen the accused, the house of the accused is situated near his house, he had gone to the house of accused, the name of the wife of accused is Mala, Mala died by hanging herself in her house and by that time, he had not gone to their house. This witness has not supported the case of the prosecution, he was cross-examined by the learned Public Prosecutor, but nothing has been elicited from his mouth regarding mahazar.



24. C.W.8 Manjunatha, seizure mahazar witness Ex.P.5, examined as P.W.8. He deposed that his signature is there in Ex.P.5 seizure mahazar, the police have taken his signature in police station when he went there in respect of temple galata, she do not know Jayamma and she has not produced anything in his presence, she do not know the contents of Ex.P.5. This witness has not supported the case of the prosecution, he was cross-examined by the learned Public Prosecutor, but nothing has been elicited from his mouth regarding mahazar.

25. C.W.15 R.C.Jayaramaiah, the Head Constable of Gubbi P.S. examined as P.W.15. In his evidence, he deposed that on 18.07.2022, at 8.30 a.m., he received the typed complaint given by Jayamma and accordingly, he registered the case in Crime No.176/2022, sent F.I.R. to the Court and his higher officers and handed over further investigation to P.S.I.

26. C.W.16 H.B.Shivanna, then then ASI of Gubbi P.S. examined as P.W.10. He deposed about inquest mahazar, recording of statements of Ramakka, the sister of deceased and other witnesses i.e., Narasimhamurthy and seizure of sari and death note book and sending the dead body for post



mortem after mahazar.

27. Additional witness Dr.Bhavana Desai, Senior Scientific Officer, SFSL, Bengaluru is examined as P.W.11. She deposed that on 10.08.2022, her laboratory received two documents sent in Crime No.176/2022 of Gubbi police station through P.C. - Jaganaik of Gubbi police station, the seals found on the documents were intact and tallied with sample seal, the description found on the documents correspond to that of those present in the invoice, the documents examined by her are standard handwriting of deceased marked as No.2 by the investigating officer and handwriting of deceased note book PREMIUM USHA GOLD-WORLD CAR FREE DAY SEPTEMBER 22 KING SIZE NOTE BOOK marked as No.1 by the investigating officer. She further deposed that Questioned writings in the enclosed portion in one King Size notebook labelled as 'My USHA GOLD-WORLD CAR FREE DAY SEPTEMBER 22 (138 pages)' in page No.70 marked as QW-1 by the investigating officer and admitted writings in the enclosed portion said to be of Kavyashree in four pages in a King Size notebook labelled as 'Paper Soft Inspiring You For The Future



(66 pages)' in page No.28, 29, 32 and 34 marked as DSW-1 to DSW-4 by the investigating officer and on examination, she gave her opinion as the person who wrote the admitted writings marked as DSW-1 to DSW-4 also wrote the questioned writings marked as QW-1 and in this regard, she has issued report and same is marked as Ex.P.17, sample seal is marked as Ex.P.18 and her signature is marked as Ex.P.18(a).

28. C.W.17 Muthuraja.J., the then P.S.I. of Gubbi P.S. is examined as P.W.12. In his evidence, he deposed about the continuation of investigation after taking the records from HC 294 Jayaramaiah, receiving report about the apprehension of accused by PC 507 Ranganatha and PC 545 Naveen Kumar, recording of voluntary statements of the accused, appointment of Shivanna, ASI for inquest mahazar, conducting of spot mahazar, arrest of accused, issuing of notice to Jayamma for securing hand written documents of the deceased, receiving of post mortem report, sending of death note and handwriting note book of deceased to the F.S.L., recording of statements of eye witnesses and filing of charge sheet after completion of investigation.



29. On perusal of ocular evidence and documentary evidence, it is clear that there is no evidence on record to convict the accused for the offences punishable U/Sec.306 of I.P.C. The family members of the deceased Mala including her mother and children have not supported the case of the prosecution. There is no positive evidence with regard to abetment given by the accused to the deceased to commit suicide. The Hon'ble Apex Court has clearly held that abetment must be in such a way that the accused must say 'to go and die' and in the absence of such abetment, Sec. 306 does not attract. Therefore, the prosecution has failed to prove the guilt of the accused beyond all reasonable doubt and accordingly, I answer points No.1 and 2 in the **Negative**.

27. **Point No.2**:- In view of my findings on point No.1, I proceed to pass the following:

ORDER

Accused is found not guilty and acting U/Sec.235(1) of Cr.P.C., the accused is hereby acquitted for the offence punishable U/Sec.306 of I.P.C.



Bail bond executed by accused during the course of trial stands cancelled.

The accused shall execute bail bond for Rs.50,000/- with one surety for the like sum under Sec.437-A of Cr.P.C. and same shall be in force for six months.

M.O.1 saree is ordered to be destroyed as worthless, after the appeal period is over.

*(Dictated to the Stenographer directly on computer, corrected, signed and then pronounced by me in the open Court on the **28th day of July, 2026**).*

(B. Jayantha Kumar)
Prl. District and Sessions Judge,
Tumakuru.

ANNEXURE

List of witnesses examined for prosecution:-

P.W.1	: Chandrashekhara.
P.W.2	: Jayamma.
P.W.3	: Divya.
P.W.4	: Kavyashree.
P.W.5	: Suvarnamma.
P.W.6	: Manjula.
P.W.7	: Shivakumara.G.C.



P.W.8 : Manjunatha.
P.W.9 : R.C.Jayaramaiah.
P.W.10 : Shivanna.H.B.
P.W.11 : Dr. Bhavana Desai.
P.W.12 : Muthuraju.J.

List of documents exhibited for prosecution:-

Ex.P.1 : Notice.
Ex.P.1(a) : Signature of P.W.1.
Ex.P.1(b) : Signature of P.W.10.
Ex.P.2 : Inquest mahazar.
Ex.P.2(a) : Signature of P.W.1.
Ex.P.2(b) : Signature of P.W.10.
Ex.P.3 : Statement of P.W.1.
Ex.P.4 : Complaint.
Ex.P.4(a) : Signature of P.W.2.
Ex.P.5 : Seizure mahazar dated 26.07.2022.
Ex.P.5(a) : Signature of P.W.8.
Ex.P.5(b) : Signature of P.W.12.
Ex.P.6 : King size note book.
Ex.P.7 : Note book written before death.
Ex.P.8 : Statement of P.W.3.
Ex.P.9 : Statement of P.W.4.
Ex.P.10 : Statement of P.W.5.
Ex.P.11 : Statement of P.W.6.
Ex.P.12 : Mahazar.
Ex.P.12(a) : Signature of P.W.7.
Ex.P.12(b) : Signature of P.W.12.
Ex.P.13 & 14 : 2 reports dated 18.07.2022, marked with



consent.

- Ex.P.15 : P.M. report, marked with consent.
Ex.P.16 : First information report.
Ex.P.16(a) : Signature of P.W.9.
Ex.P.17 : F.S.L. report.
Ex.P.18 : F.S.L. sample seal.
Ex.P.18(a) : Signature of P.W.11.
Ex.P.19 : Acknowledgment.
Ex.P.19(a) : Signature of P.W.12.

List of witnesses examined for accused:-

- NIL -

List of documents exhibited for accused:-

- NIL -

List of material objects produced and got marked for prosecution:-

- M.O.1 : Sari.

**Prl. District and Sessions Judge,
Tumakuru.**