

IN THE COURT OF SESSION, ALAPPUZHA DIVISION AT CHERTHALA

Present: Ms.Lakshmy.S, Assistant Sessions Judge

Saturday the 21st day of March, 2026/ 30th day of Phalgunam 1947**S.C.No.509/2019**Crime No.2299/2017 of Cherthala Police StationC.P. No.05/2019 of JMFC-I, Cherthala

Complainant : State represented by
the Sub Inspector of Police,
Cherthala Police Station
(in Crime No.2299/2017)
(By Addl. Public Prosecutor)

Accused : Ulahannan, aged 69/17 yrs
S/o Poullose,
Puthenpurackal House,
Eramalloor.P.O, Ezhupunna P/W-10.
(By Adv.C.A.Arunchand)

Charge : Under Sections 306 IPC and S.17 of Kerala
Money Lenders Act

Plea : Not guilty

Finding : Not guilty

Sentence or Order : **The accused is acquitted u/S.235(1) CrPC for
the offences punishable u/S.306 IPC and S.17 of
Kerala Money Lenders Act. Bail Bond stands
cancelled and the accused is set at liberty.**

Description of the accused

Sl No	Name	Father's Name	Age	Address
1	Ulahannan	S/o Poulose	69/17	Puthenpurackal House, Eramalloor.P.O, Ezhupunna P/W-10.

Dates of:

Occurrence	:	17.08.2017
Complaint	:	17.08.2017
Apprehension	:	18.08.2017
Release on bail	:	22.08.2017
Commitment	:	17.06.2019
Appearance	:	01.01.2020
Commencement of trial	:	19.06.2023
Close of trial	:	19.03.2026
Judgment	:	21.03.2026
Number of witnesses	:	10

This case having been finally heard on 19.03.2026 and the Court on this day; 21.03.2026, delivered the following.

JUDGMENT

The accused stands prosecuted by the State represented by the Sub Inspector of Police, Cherthala Police Station in Crime No.2299/17 alleging offences punishable under Sections 306 IPC and S.17 of Kerala Money Lenders Act.

2. Prosecution case:

The accused was conducting Money Lending business without any licence or authority. The deceased Ajith borrowed an amount of Rs.3,00,000/- (Rupees Three Lakhs only) from the accused in the year 2012 for conducting coir business. Thereafter he paid interest on the above said amount to the accused on several occasions. Later, the deceased committed default in payment of the amount of Rs.3,00,000/- to the accused due to his financial stringency. But the accused threatened the deceased to evict him and family from his house and also instituted a suit against the deceased. The accused obtained a decree against the deceased and his property was attached. Though the deceased tried to settle the matter for an amount of Rs.9,00,000/- (Rupees Nine Lakhs only) through mediators, the accused demanded Rs.30,00,000/- (Rupees Thirty Lakhs only) from the deceased and threatened to evict him from the house. Thus, on 17-08-17 between 7.30pm and 8.30 pm Sri.Ajith committed suicide leaving behind suicide notes that the accused herein is responsible for his death. Hence, the accused is alleged to have committed the above said offences.

3. Cognizance

Ext.P14 FIR was registered u/S.174 CrPC by PW10, the Sub Inspector of Police, Cherthala Police Station on the basis of Ext.P1 First Information Statement given by PW1. Thereafter PW9 conducted part of investigation and added offences including S.306 IPC. Then PW10 concluded the investigation and

submitted Final Report before the Judicial First Class Magistrate Court-I, Cherthala. The case was taken on file as CP No.05/2019.

4. The accused appeared before the Committal Court. The learned Magistrate furnished copies of all relevant records to the accused and committed the case to the Hon'ble Court of Sessions, Alappuzha under Section 209 Cr.P.C as per Order dated 17.06.2019. Thereafter, the case was made over to this court for disposal.

5. Charge

The accused appeared before this Court and he was permitted to continue on bail. The Prosecutor opened their case by describing the charge brought against the accused and stated by what evidence he proposed to prove the guilt of the accused. After hearing both sides and on perusing the case records, it was found that the accused had monetary dealings with the deceased which led to his suicide, he was not entitled for a discharge u/S.227 CrPC. Hence, charge under Sections 306 IPC and S.17 of Kerala Money Lenders Act was framed against accused. The charge was read over and explained to him, to which, the accused pleaded not guilty. The case was scheduled for trial.

6. Trial

PW1 to PW10 were examined and Ext.P1 to P14 was marked from the side of the prosecution. The remaining witnesses (CW6, CW9, CW10, CW11) were given up by the learned Prosecutor and the prosecution evidence was closed. After

closing the prosecution evidence, the accused was questioned under Section 313(1)(b) Cr.P.C. He denied all the incriminating circumstances those appeared against him and repeated the plea of innocence.

7. Both the prosecution and the accused were heard. Since the material witnesses gave evidence against the accused, he was found not entitled to get an acquittal under Section 232 Cr.P.C. The accused was called upon to enter on his defence and to adduce evidence. Ext.D1 and D2 were marked from his side.

8. Defence version

Deceased Ajith borrowed money from the accused. But he did not return the money and hence the accused filed OS 50/2012 for realization of money before the Sub Court, Cherthala. The suit was decreed and an Execution Petition was filed by the accused to realise the decree debt from the assets of the deceased. But he committed suicide. The accused has never gone to the house of deceased or threatened him in any manner as alleged. The deceased was under mental pressure because of his family issues and business failure. This was the reason for his suicide and accused has no involvement as alleged. He was falsely implicated under social pressure creating fabricated documents.

9. Hearing:

Heard the learned Additional Public Prosecutor and the learned defence counsel. Written Argument Notes was submitted by the learned Prosecutor.

10. Points for determination: -

- (1) Whether the accused threatened Sri.Ajith demanding exorbitant money and thus abetted him to commit suicide on 17.08.2017 in between 7.30 p.m. and 8.30 p.m., as alleged?
- (2) Whether the accused carried on money lending business without valid licence and lent money to Sri.Ajith for higher rate of interest, as alleged?
- (3) Whether the accused committed the offences punishable u/Ss.306 IPC and S.17 of Kerala Money Lenders Act?
- (4) If found guilty, what is the order as to sentence?

11. Prosecution witnesses: -

11.1. PW1, Sunil is the cousin of deceased Ajith and he deposed that he got information about the death of Ajith over phone through his brother. He rushed to the house of Ajith and found him hanging inside the room. The body was taken down and was taken to the hospital where his death was confirmed. Later he went to Cherthala Police Station and gave Ext.P1 FIStatement. PW1 further deposed that he was an attested to Ext.P2 Inquest report prepared by the police.

11.2. PW2, Baiju is another cousin of deceased Ajith. He gave evidence that Ajith borrowed an amount of Rs.3,00,000/- from the accused and the accused instituted a suit for Rs.9,00,000/-. PW2 further deposed that the accused demanded a higher amount of Rs.30,00,000/- to settle the matter which made Ajith desperate. According to PW2, when he went to the house of accused to settle the matter, he was not ready. PW2 further deposed that he had seen the accused at

the house of Ajith demanding money. PW2 gave evidence that Ajith committed suicide due to the mental pressure and harassment caused by the accused.

11.3. PW3, Harikuttan gave evidence that he was the member of the Panchayath and he knew Ajith who was running coir business. He deposed that Ajith had borrowed Rs.3,00,000/- from the accused and the accused instituted a suit against the Ajith. PW3 deposed that at the request of Ajith he intervened to settle the matter. According to PW3, Ajith committed suicide due to the financial crisis and the situation when he realized that his house and property would be lost.

11.4. PW4, Sunilkumar deposed that he knew the monetary transaction between the accused and deceased Ajith and that the accused demanded Rs.30,00,000/- from the deceased to settle the dispute. According to PW4, Ajith was under severe mental pressure due to the demand made by the accused and thus committed suicide.

11.5. PW5, Shaji gave evidence that deceased Ajith borrowed an amount of Rs.3,00,000/- from the accused and Ajith had been paying interest for the same. But due to financial difficulties, he defaulted in payment and thus the accused filed case for Rs.9,00,000/- against Ajith. PW5 further deposed that he along with PW3 Panchayat Member had approached accused for a settlement and at that time, the accused demanded Rs.30,00,000/-. PW5 further deposed that he had seen the accused at the house of Ajith on several occasions demanding money and

intimidating him. PW5 deposed that Ajith committed suicide due to the demand made by the accused.

11.6. PW6, Appu Ajith is the son of deceased Ajith. He deposed that his father borrowed an amount of Rs.3,00,000/- from the accused and due to business crisis, the money could not be repaid. Thus accused filed a case against his father and obtained a decree wherein the property was attached. His father was thus under severe mental distress of losing his property. PW6 further deposed that when the ward member and other persons approached the accused to settle the matter, the accused demanded Rs.30,00,000/- and his father could not meet the amount. According to PW6, his father committed suicide as the accused threatened him for money. PW6 identified his father's handwriting and signature in Ext.P3 series suicide notes.

11.7. PW7, Thomas, identified his signature as attester to Ext.P4 scene mahazar prepared by the police and deposed that the police recovered Ext.P3 series suicide notes from the house of Ajith when Ext.P4 was prepared.

11.8. PW8, Dr.Sreelakshmi has conducted the post mortem examination on the body of deceased Ajith and issued Ext.P5 post mortem certificate. PW8 confirmed that the cause of death was due to hanging.

11.9. PW9, H.Shareef was the Additional Sub Inspector of Police, Cherthala Police Station and he conducted the inquest on the body of deceased Ajith and prepared Ext.P2 Inquest report. He went to the place of occurrence and

prepared Ext.P4 scene mahazar and recovered Ext.P3 series suicide notes from the place of occurrence. Based on the evidence he collected, PW9 submitted report deleting S.174 CrPC and adding S.306 IPC and S.17 of the Kerala Money Lenders Act. He conducted search in the place of occurrence and prepared Ext.P7 search memo and Ext.P8 search list. In the search, he recovered Ext.P9 series tax receipt and copy of a title deed. Thereafter PW9 arrested the accused and prepared Ext.P10 to P13 arrest records.

11.10. PW10 was the Sub Inspector of Police, Cherthala during the relevant period and he registered Ext.P14 FIR based on Ext.P1 FIStatement of PW1. PW10 deposed that he took over the investigation when the accused was arrested and recorded statement of witnesses. After completing investigation, he laid final report against the accused.

12. Point No.1:- This case was registered following the untimely demise of Ajith, who tragically passed away due to distressing circumstances in his life. Modern States are now on the path of decriminalizing attempt to commit suicide and Mental Healthcare Act, 2017 presumes that anyone attempting suicide is under severe stress and requires care, treatment, and rehabilitation rather than punishment. Likewise, all holy books remind that death is part of divine order, not to be hastened by human will.

12.1. Here, the main allegation against the accused is that his threat and intimidation demanding huge amount against the loan advanced by Ajith,

pressurized him to commit suicide. According to the prosecution, deceased Ajith borrowed Rs.3,00,000/- from the accused and due to financial crisis, he could not repay it. But the persistent demands and threats from the side of accused demanding Rs.30,00,000/- constituted abetment of suicide under S.306 IPC.

12.2. Now, the admitted facts are enumerated as follows. The fact that Ajith committed suicide by hanging is not disputed and it stands proved through the medical evidence of PW8. There is no dispute on the fact that Sri.Ajith had borrowed money from the accused and that he could not repay it. It is further admitted that the coir business of Ajith ran to loss and that he had family problems. Yet another admitted fact is that the accused obtained a decree for realization of money against Ajith and execution proceedings to recover the decree debt from the assets of Ajith was pending. There is no dispute that Late Ajith was under severe mental distress due to the auction proceedings initiated against his assets in the execution proceedings.

12.3. The law is well settled that in order to constitute the offence u/S.306 IPC, the prosecution must establish **mens rea in instigating the deceased to commit suicide and that there was no proximate incident or act prior to suicide to establish that the death was a direct consequence of the act of the accused.**

12.4. The Hon'ble Apex Court in **M.Arjunan v. State represented by Inspector of Police; (2019) 3 SCC 315** has held as follows:

“The essential ingredients of the offence under S.306 IPC are (i) the abetment (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however insulting the deceased by using abusive language will not by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide” (emphasis supplied)

12.5. In **Ude Singh and others v. State of Haryana; (2019) 17 SCC 301**, the Hon’ble Apex Court reiterating the aforesaid principle observed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remained a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. So, there must be cogent and convincing proof of the act of incitement to the commission of suicide to convict the accused.

12.6. The learned Prosecutor argued that the testimonies of PW2 to PW6 that the accused used to harass and threaten Ajith for huge money would establish the mental stress created by the accused which promoted the deceased to commit suicide. He argued that the accused had been continuously harassing and pressuring the deceased in connection with the loan transaction which was only a small amount. The conduct of the accused in relentlessly pursuing money without showing any compassion towards the mental condition of the deceased. The learned Prosecutor argued that the evidence would further show that the deceased was under severe mental agony, fear and humiliation due to the threats of eviction and loss of his house and property.

12.7. The learned defence counsel argued that the accused, who had merely extended financial assistance to the deceased by lending money, has been unnecessarily implicated in the present criminal proceedings. He emphasized the unfortunate plight of the accused, who was 69 years of age at the relevant time and had resorted only to lawful measures to recover his dues. It was further argued that there is no evidence of harassment or undue pressure exerted by the accused, nor any proximity or instigation attributable to him that could sustain the offence alleged.

12.8. So, the matter for consideration is regarding the most important element to constitute the offence ie; “*mens rea of accused to instigate the deceased to commit suicide*”. Here, deceased Ajith was under distress due to the financial crisis and liability to the accused. But accused has resorted to legal remedy to realise the money and execution proceedings was pending against the assets of deceased during the relevant time as seen from Exts.D1 and D2. Since the liability is admitted, accused cannot be blamed for taking legal action to realise the decree debt and prosecution has to prove independently that accused instigated deceased to commit suicide.

12.9. PW2 to PW5, who were acquainted with the deceased Ajith, deposed regarding the financial transaction between the accused and Ajith. Their testimonies were broadly consistent with the allegation that the accused demanded a sum of Rs.30,00,000/- from the deceased. However, during cross-examination,

they were unable to provide any satisfactory details as to the specific date or time when the accused allegedly threatened Ajith, nor could they explain the manner in which the accused is said to have intimidated him into committing suicide. Their evidence, at best, establishes that mediation efforts were undertaken to resolve the dispute with the accused, but such efforts failed.

12.10. The learned Prosecutor argued that PW6, the son of the deceased, was fully aware of the transaction and that his testimony alone is sufficient to establish guilt. Yet, the evidence of PW6 suffers from material omissions and contradictions, rendering it unreliable. Moreover, PW6 was also unable to specify the dates on which the accused allegedly threatened the deceased. Consequently, there is no proximate incident or act attributable to the accused immediately prior to the suicide that would establish that Ajith's death was a direct consequence of the accused's conduct or that the accused abetted the suicide.

12.11. The next significant piece of evidence relied upon by the prosecution is the Ext.P3 series suicide notes recovered from the place of occurrence. These notes refer to the accused by name and attribute the demand for money as the cause of the deceased's distress. The handwriting in the notes was identified by PW6, the son of the deceased Ajith. However, the notes are silent as to any act of intimidation or threat by the accused that compelled Ajith to take his own life. They merely reflect the anguish experienced by the deceased in

connection with his financial dealings with the accused, without any indication that the accused instigated or persuaded him to commit suicide.

12.12. The Hon'ble Apex Court in **Ayyub v. State of Uttar Pradesh; 2025 KHC 6120** has held that specific abetment as contemplated u/S.107 IPC on the part of accused with an intention to bring about the suicide of the person as a result of that abetment is required to attract S.306 IPC. Here, the prosecution could not establish the intention of accused to aid, instigate or abet Ajith to commit suicide and hence the accused cannot be found guilty of the said offence. The point is found against the prosecution.

13. **Point No.2:-**

13.1. The next allegation against accused is that he carried on money lending business without any authority. Prosecution has successfully proved that accused had lent money to deceased Ajith which led to his untimely demise. Now the matter to be considered is whether the said transaction is sufficient to attract the offence u/S.17 of the Money Lenders Act.

13.2. S.2(7) of the Money Lenders Act, Kerala defines 'money lender' as a person whose main or subsidiary occupation is the business of advancing or releasing loans or acceptance of deposits in the course of such business. The Hon'ble High Court in **Jayachandrakurup Vs. State of Kerala and another** has ILR 2018(3) Kerala 750 has held that a person can be termed as a money lender only if he is engaged in the activity of advancing money and accepting deposits as

a business, for income or profit. If any person advances money to a friend, neighbour or to any one having acquaintance or not and he receives back the same on demand, he cannot be called as a money lender within the purview of Money Lenders Act.

13.3. In the present case, prosecution could not produce any other evidence to show that accused had illegal money lending business. The allegations against the accused are not proved beyond doubt and hence the point is found against the prosecution.

14. Point No.3 and 4 :- In view of the findings on point No.1 and 2, the accused is found not guilty of the offences punishable u/Ss.306 IPC and S.17 of Kerala Money Lenders Act.

In the result, the accused is acquitted under Section 235(1) Cr.P.C. for the offences punishable u/Ss.306 IPC and S.17 of Kerala Money Lenders Act. Bail bond stands cancelled and the accused is set at liberty.

Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 21st day of March, 2026.

Sd/-
LAKSHMY. S,
Assistant Sessions Judge.

Witnesses from the side of prosecution

Prosecution Witness Nos.	Name of Witness	Descriptions
PW1	Sunil (CW1) : 14.08.2023	First informant
PW2	Baiju (CW3) : 01.07.2025	Witness of last seen circumstances
PW3	Harikuttan (CW4) : 02.07.2025	Witness of last seen circumstances
PW4	Sinilkumar (CW2): 03.07.2025	Witness of last seen circumstances
PW5	Shaji (CW5) : 18.07.2025	Witness of last seen circumstances
PW6	Appu Ajith (CW7): 18.07.2025	Witness of last seen circumstances
PW7	Thomas (CW8) : 30.07.2025	Scene mahazar witness
PW8	Sreelakshmi (CW12): 14.08.2025	Medical Officer
PW9	H.Shereef (CW13): 16.09.2025	Remand, Scene mahazar and inquest
PW10	C.C.Prathapachandran (CW14): 25.11.2023	Investigation Officer

Witness from the side of defence :

Nil

Exhibits from the side of prosecution

Exhibit Nos.	Description of the Exhibits	Proved by/Attested by
P1	FIS dated:17.08.2017	PW1 on 14.08.2023
P2	Inquest report dated:18.08.2017	PW1 on 14.08.2023
P3	Note written by deceased Ajith (8 Nos.) dated: (Series) 08.09.2017	PW6 on 18.07.2025
P4	Scene mahazar dated: 18.08.2017	
P5	Postmortem report dated:18.08.2017	PW8 on 14.08.2025
P6	Section adding report dated:18.08.2017	PW9 on 16.09.2025
P7	Search memo dated:18.08.2017	PW9 on 16.09.2025

P8	Search list dated:18.08.2017	PW9 on 16.09.2025
P9 (Series)	Letter, Tax receipt, copy of deed dated:18.08.2017	PW9 on 16.09.2025
P10	Arrest memo dated:18.08.2017	PW9 on 16.09.2025
P11	Inspection memo dated:18.08.2017	PW9 on 16.09.2025
P12	Arrest notice dated:18.08.2017	PW9 on 16.09.2025
P13	Arrest report dated:18.08.2017	PW9 on 16.09.2025
P14	FIR dated:17.08.2017	PW10 on 25.11.2025

Exhibits from the side of defence :

Exhibits Nos.	Description of the Exhibits	Proved by/Attested by
D1	Certified copy of judgment in OS.50/12 dated:30.10.2013 of Sub Court, Cherthala	Defence on 19.01.2026
D2	Certified copy of decree in OS.50/12 dated:30.10.2013 of Sub Court, Cherthala	Defence on 19.01.2026

Material Objects

Nil

Id/-

ASSISTANT SESSIONS JUDGE