

IN THE COURT OF SESSION, THRISSUR DIVISION

**Present:- Smt. Lekshmi K. Thampi,
Additional Assistant Sessions Judge, Irinjalakuda.**

Wednesday the 11th day of March, 2026/20th day of Phalgunam, 1947 SE

Sessions Case No.438/2018

(C.P.2/2018 of the Judicial First Class Magistrate Court, Irinjalakuda)

Complainant : State of Kerala – Represented by Inspector of Police, Kodakara Police Station. (Crime No.1306/2014 of Kodakara Police Station.)

By Addl. Public Prosecutor Sri. Jogy George.

Accused : 1. Sangeetha, aged 44 years, W/o Radhakrishhan, Kombboth House, Vasupuram Desom, Mattathur Village.

2. Saritha, aged 46 years, W/o Rajan, Ainikkadan House, Vasupuram Desom, Mattathur Village.

3. Rossy, aged 72 years, W/o Jose, Plakka House, Vasupuram Desom, Mattathur Village.

4. Deepa, aged 42 years, W/o Jayan, Nellipparamban House, Vasupuram Desom, Mattathur Village.

5. Suresh Babu, S/o Janardhanan, Kuttiparambil House, Vasupuram Desom, Mattathur Village. (Abated)

A1, A2 by Adv.P.R. Anandan,
A3 by Adv.K.Sasikumar &
A4 by Adv.Roy.M.K.

Offence : U/Ss 447, 506 (i) and 306 of IPC.

Plea of accused : Not guilty.

Finding of the Court : Not guilty.

Sentence or Order : The accused are found not guilty of the offence punishable 447, 506 (i) and 306 r/w 34 and accused Nos.1 to 4 are acquitted of the said offence u/s 235 (1) Cr.P.C and the accused are set at liberty. Their bail bonds stand cancelled.

This Sessions case having been come up for final hearing before me on 21.02.2026 in the presence of the Additional Public Prosecutor and counsel for the accused and the court on 11.03.2026 delivered the following:-

JUDGMENT

This case arose from a final report in Crime No.1306/2014 of Kodakara police station under sections 447, 506 (i) and 306 of the Indian Penal Code.

2. The prosecution case, in brief, is that fifth accused Suresh Babu and Sajilakumari were husband and wife and earlier Sajilakumari had borrowed money from accused Nos.1 to 4. On 22.07.2014 at about 2.00 pm accused Nos.1 to 4 criminally trespassed into the residential compound of Sajilakumari situated at Vasupuram in Mattathur Village and demanded back the debt amount. Thereafter, they commented that there are many ways to make money and she has to clear the debts by any means and unless she could pay the debt, she may commit suicide. They made the above comment in public. Due to that mental agony, in between 10.00 pm on 22.07.2014 and 7.00 am on 23.07.2014, the fifth accused Suresh Babu instigated his wife and children to commit suicide and he gave them poison in their food. Thus the accused thereby committed offences punishable under Sections 447, 506 (i) and 306 of the Indian Penal Code.

3. The case was originally taken on file as CP 2/2018 of Judicial First Class Magistrate Court, Irinjalakuda. The accused were released on bail. The copies of relevant records were given to them and as the offence alleged are exclusively triable by the court of sessions, their case was committed to the Hon'ble Sessions Court and numbered as SC 438/2018 and made over to this court.

4. Accused Nos.1 to 4 entered appearance on summons. As the accused were on bail they were permitted to continue on bail. Abate charge filed against A5. The accused persons were heard under Section 227 Cr.P.C., and they did not argue for discharge. As there is sufficient ground to proceed against the accused the charge was then framed for the offences under sections 447, 506 (i) and 306 read with 34 of the Indian Penal Code. They pleaded not guilty and claimed to be tried.

5. From the side of the prosecution, PW1 to PW19 were examined and Exts.P1 to P32 and MO1 to MO4 series were marked. After closing prosecution evidence, accused were examined under Section 313 CrPC. He denied all the incriminating evidence against him. Thereafter, heard under Section 232 CrPC. As there was no ground to acquit the accused, an opportunity was given to the accused for adducing defence evidence. From the side of the defence, D1 to D12 marked. During cross-examination of witnesses, contradictions were marked as D1, D6(a) & D7.

6. The following points arise for consideration:

1. Whether on 23.07.2014 at about 7.00 p.m. at about 2.00 pm accused Nos.1 to 4 criminally trespassed into the residential compound of Sajilakumari situated at Vasupuram in

Mattathur Village and thereby committed an offence punishable under Section 447 IPC?

2. Whether the accused criminally intimidated Sajila kumari by threatening with death or grievous hurt, thereby committing an offence punishable under Section 506(i) IPC?
3. Whether the alleged words uttered by accused Nos. 1 to 4 amounted to instigation or intentional aid leading to the suicide, so as to constitute abetment of suicide under Section 306 IPC and thereby committed offence punishable under Section 306 IPC?
4. What order as to sentence and compensation, if any?

7. Point Nos. 1 to 3:- The allegation against the accused is that the fifth accused Suresh Babu and Sajilakumari were husband and wife and earlier Sajilakumari had borrowed money from accused Nos.1 to 4. On 22.07.2014 at about 2.00 pm accused Nos.1 to 4 criminally trespassed into the residential compound of Sajilakumari situated at Vasupuram in Mattathur Village and demanded back the debt amount. Thereafter, they commented that there are many ways to make money and she has to clear their debt by any way and unless she could pay the debt, she may commit suicide. They made the above comment in public. Due to that mental agony, in between 10.00 pm on 22.07.2014 and 7.00 am on 23.07.2014, the fifth accused Suresh Babu instigated his wife and children to commit suicide and he gave them poison in their food. Thus the accused thereby committed offences punishable under Sections 447, 506 (i) and 306 of the Indian Penal Code.

8. Evidence of prosecution :- PW1 is the de facto complainant in the case. His evidence is that he is residing at Vasupuram and was working abroad. The deceased Suresh Babu was his uncle's son and was residing with his family at Vasupuram. According to PW1, the house of Suresh Babu is situated four houses away from his own residence. Suresh Babu was living there along with his wife Sajilakumari, daughter Drisya, son Adarsh and his parents. PW1 identified the accused persons and stated that he had previous acquaintance with accused Nos.1 to 3, whereas he saw the fourth accused only later and did not know her name earlier. He stated that the accused were also residing near his house. According to him, Sajilakumari was conducting a kuri business. PW1 further stated that on 23.07.2014 at about 7.00 a.m., he received information from one Shobi, who was residing near his house, that Sajilakumari, Suresh Babu and their children had attempted suicide. On getting the information, he immediately went to the house of Suresh Babu and saw Suresh Babu hanging from the ceiling fan, while Sajilakumari and the children were lying in the bedroom. According to him, at that time Adarsh was still alive. PW1 took Adarsh in the car of Radhakrishnan to Jubilee Mission Hospital. Thereafter he returned from the hospital, went to Kodakara Police Station and reported the incident. He identified his signature in the First Information Statement, which was marked as Ext.P1. PW1 also stated that Sajilakumari used to maintain a book regarding receipt of money in connection with the kuri business and that he was familiar with her handwriting, though he stated that he did not know her signature. When a letter alleged to have been written by Saji-

lakumari was shown to him, he stated that the handwriting appeared to be similar to that of Sajilakumari.

9. PW2 is the sister-in-law of Suresh Babu. She deposed that Suresh Babu and his family were residing in the family house belonging to her husband. According to her, Suresh Babu was living there with his wife Sajilakumari, their children and his parents. She stated that Suresh Babu was working as a conductor in a private bus and that Sajilakumari was conducting private kuri and also lending money on interest. She further stated that the money collected through the kuri was lent to others and that the neighbouring persons were subscribers to the kuri. According to PW2, the business was initially running smoothly, but later difficulties arose when the persons who had borrowed money failed to repay and the kuri subscribers began demanding repayment. She identified the accused persons in court and stated that they were residing near their house. PW2 stated that due to financial difficulties, Sajilakumari and Suresh Babu decided to sell their house and property in order to clear the debts, but since they were unable to do so, they ultimately committed suicide along with their children. PW2 further stated that she received information regarding the incident from her father-in-law at about 7.30 a.m., though she could not remember the exact date. She also stated that the kuri subscribers used to come to the house of Sajilakumari and demand repayment, which she had personally witnessed. According to her, two days prior to the incident, while she was talking with Sajilakumari, Karthyani and Sangeetha, the first accused came to the house and demanded money and also told Sajilakumari that there were many ways to make money and that she should resort to such

means to repay the amount. PW2 stated that this incident occurred at about 3.00 p.m. and that her father-in-law and mother-in-law were also present at that time. On receiving information about the suicide, she went to the house of Sajilakumari and saw Sajilakumari and Drisya lying on the floor, Suresh Babu hanging from the fan and Adarsh lying partly on the bed. She stated that Adarsh looked at her and when he was taken out of the room he vomited, after which he was taken to the hospital. PW2 further stated that she had given a statement to the police regarding the incident. She also stated that she could identify the signature and handwriting of Sajilakumari, as she had lived with her in the family house for about four years. She identified the handwriting and signature of Sajilakumari in the letters marked as Ext.P2, Ext.P4 and Ext.P5.

10. PW3 was a subscriber to the kuri conducted by Sajilakumari. He stated that he had acquaintance with Sajilakumari and Suresh Babu and that Sajilakumari used to collect ₹1,000/- per month from him towards the kuri and endorse the payment in a card. He stated that he had remitted a total amount of ₹11,000/- and identified Ext.P3 series as the card in which such endorsements were made.

11. PW4 is an attender of Kodakara Society and also the brother-in-law of Suresh Babu. He stated that Suresh Babu was working as a bus conductor and was residing at Vasupuram with his family. According to PW4, he had hearsay information that Sajilakumari was conducting a kuri. He further stated that Sajilakumari had joined a chitti in Kodakara Vanitha Society and also in Kamco, but she could not remit the instalments due to financial difficulties, which had been informed to him by Suresh Babu. According to PW4, Suresh Babu had informed him that

there was financial strain and that they had to repay money to the kuri subscribers, and therefore they were planning to sell their property and house to clear the debts. He further stated that Suresh Babu had engaged brokers for the sale of the property. PW4 stated that while Suresh Babu was attempting to sell the property, Sangeetha, the wife of Komboth Radhakrishnan, and her mother Karthyani went to the house of Suresh Babu and created a problem by uttering obscene words and demanding repayment of money. However, he admitted that this information was only hearsay and that he had come to know about it from his wife and his in-laws. PW4 also stated that on 22.07.2014 at about 7.00 p.m., Suresh Babu had spoken to him and informed him that if the brokers failed to arrange the sale of the property, he would mortgage the property in a bank and obtain a loan to repay the debts. PW4 stated that he came to know about the suicide on 23.07.2014 at about 7.00 a.m. and went to the house of Suresh Babu, where he saw Suresh Babu hanging from the fan and Sajilakumari and the children lying in the bedroom. He further stated that the police had locked the room and later, due to foul smell emanating from the room, it was opened with the permission of the police and during the cleaning process a book belonging to Drisya was found containing a suicide note. According to him, the suicide note mentioned that four women were responsible for the suicide and their names and addresses were written therein. PW4 stated that he identified the handwriting and signature of Sajilakumari in the suicide note, which was marked as Ext.P4, and he also identified Ext.P2 and Ext.P5. He further stated that he had earlier seen the handwriting of Sajilakumari when she had given him a leave application to be forwarded to the school on

the occasion of a relative's death and also when she had shown him a letter addressed to the secretary of the Vanitha Society and grocery lists written by her. He identified the first accused in court but stated that he did not know the other accused persons and that Suresh Babu had not informed him about them.

12. PW5 is the Secretary of the Women's Welfare Co-operative Society. He stated that Sajilakumari had joined a chitti in their society and that both Sajilakumari and Suresh Babu used to participate in the auction of the chitti. According to him, Sajilakumari had a liability of about ₹11,00,000 in the society and had given security for the same. He stated that Sajilakumari had given a letter to their office requesting that the liability be adjusted against the kuri amount already paid by her and that the balance amount be returned. He identified the letter, which was marked as Ext.P5.

13. PW6 is an employee of Vellikulangara Service Co-operative Bank. He stated that Radhakrishnan was the secretary of the bank and identified his signature in the seizure mahazar, which was marked as Ext.P6. According to him, he had gone to Kodakara Police Station along with Radhakrishnan and had signed the mahazar there. He identified the passbook marked as Ext.P3 series and the diary marked as Ext.P7, which were handed over to the police.

14. PW7, the Assistant Professor and Deputy Police Surgeon of the Medical College Hospital, Thrissur, conducted the autopsy on the body of Suresh Babu on 27.03.2014 and issued the post-mortem certificate marked as Ext.P8. He opined that Suresh Babu died due to hanging and

that there were no signs of poisoning. On the same day he conducted the post-mortem examination of Drisya and Sajilakumari and issued Ext.P9 and Ext.P10 respectively. He stated that there were no injuries on their bodies except signs of corrosion and opined that their deaths were due to poisoning, particularly insecticide poisoning.

15. PW8, Assistant Professor of Forensic Medicine at the Medical College Hospital, Thrissur, conducted the post-mortem examination of Adarsh and issued the certificate marked as Ext.P11. He opined that the death of Adarsh was also due to poisoning.

16. PW9 is a Civil Police Officer who stated that the first accused had surrendered before the Circle Inspector and handed over a diary, which was seized after preparing mahazar. He identified Ext.P6 seizure mahazar, Ext.P7 diary and Ext.P3 series passbook. PW10, another police officer, stated that he accompanied the Investigating Officer to the Kodakara Women's Welfare Co-operative Society on 12.01.2018 and witnessed the seizure of Ext.P5 letter under mahazar marked as Ext.P12. PW11 stated that a relative of Sajilakumari handed over a suicide note to the Investigating Officer, which was seized under mahazar marked as Ext.P13, and he identified the suicide note marked as Ext.P4.

17. PW12 is the photographer who took photographs of the deceased persons and the scene of occurrence, which were marked as Ext.P14 series and the CD as Ext.P15. PW13, the Station House Officer of Kodakara Police Station, deposed that on 23.07.2014 at about 8.45 a.m., PW1 reached the station and informed about the suicide of Suresh Babu, Sajilakumari and their children, upon which he recorded Ext.P1 FIS and

registered the FIR marked as Ext.P17. He conducted the inquest and identified Ext.P18 inquest report. During the inquest he found a suicide note in the pocket of Suresh Babu, which was seized and marked as Ext.P2. He also seized plastic bottles labelled “Karate” found at the scene, which were marked as MO3 series. He further seized other material objects collected by the scientific assistant under mahazar marked as Ext.P19 and identified the material objects as MO4 series. He also conducted the inquest of Adarsh at the hospital, which was marked as Ext.P20.

18. PW14, the Scientific Assistant of DCRB Thrissur, examined the scene of occurrence and collected several material objects, which were properly packed, sealed and handed over to the Investigating Officer. PW15 conducted the inquest of Drisya and identified the report marked as Ext.P21. PW16 stated that Baburaj, the brother-in-law of Suresh Babu, handed over another suicide note to the police, which was seized under mahazar Ext.P13. PW17 conducted the inquest of Sajilakumari and identified the report. PW18, the Circle Inspector of Police, continued the investigation, arrested the accused persons who had obtained anticipatory bail, and released them on bail after preparing the respective arrest memos and bail bonds marked as Exts.P23 to P30. He also seized the diary, letter and passbook and produced them before the court under property list Ext.P31 and forwarding note Ext.P32. PW19, the subsequent Circle Inspector, completed the investigation, recorded statements of witnesses and filed the charge sheet before the court. The evidence in the case shows that the death of the deceased persons and the cause of death are not in dispute, and the only question that arises for considera-

tion is whether the accused had abetted or instigated the suicide of the deceased persons.

19. The learned counsels for the accused contended that the entire prosecution case is based on the allegation that Sajilakumari had borrowed money from accused Nos.1 to 4 and that the accused had trespassed into the property of Sajilakumari, demanded repayment of the amount and threatened and instigated her either to repay the amount or to commit suicide, which ultimately led to the suicide of the deceased persons. According to the prosecution, such conduct caused severe mental agony to Sajilakumari and Suresh Babu and thereby led them and their children to commit suicide. The learned counsels for the accused argued that there is absolutely no evidence to prove that the accused had any financial transaction with Sajilakumari and, in the absence of such proof, the allegation that the accused instigated or abetted the suicide cannot be sustained. The learned counsel for the third accused further argued that there are material omissions in the evidence of the witnesses when compared with their statements recorded under Section 161 Cr.P.C. before the Investigating Officer, which casts serious doubt on the credibility of the witnesses. It was pointed out that PW1, in his statement under Section 161 Cr.P.C., had not stated that Sajilakumari used to collect money from the public, conduct kuri business and distribute the profit among the subscribers. The learned counsel also pointed out that PW1 had come to India only one week prior to the incident and therefore he had no personal knowledge regarding the alleged kuri transactions. Hence, his evidence that he had seen Sajilakumari collecting money from the subscribers cannot be believed. In this regard, it is to be noted that

the question to be considered in this case is not whether Sajilakumari had obtained a licence to conduct a chitty business. The relevant question is whether the prosecution has succeeded in proving that the accused had any financial transaction with the deceased Sajilakumari. Therefore, the issue regarding the existence or absence of a licence to conduct a chitty business is not material for deciding the present case. In that view of the matter, the contention raised by the learned counsel for the accused in this regard is not maintainable.

20. The learned counsel for the third accused further contended that, according to the prosecution, the deceased Sajilakumari was conducting a chitty business. However, as per the provisions of the Chit Funds Act, a chitty business can be conducted only with a valid licence. It was argued that the prosecution has not produced any evidence to show that Sajilakumari had obtained such a license to conduct a chitty business. In the absence of any documentary evidence to establish that Sajilakumari was legally conducting a chitty business, the prosecution allegation that she was running such a business cannot be accepted. Therefore, the very foundation of the prosecution case that the accused had financial dealings with Sajilakumari in connection with the alleged chitty business remains unproved.

21. The prosecution mainly relies on the evidence of PW1 to PW5 to establish the alleged financial transaction. However, on a careful scrutiny of the evidence of PW1 to PW5, it is seen that though they have stated that Sajilakumari was conducting kuri or chitty business and lending money on interest, none of them has stated that the accused had any kuri or financial transaction with Sajilakumari. PW1 himself admitted

that he was working abroad and had returned to his native place only one week prior to the incident. PW2 deposed that two days prior to the incident, accused Sujatha and her mother Karthyani had come to the house of Sajilakumari and demanded that she repay the amount or transfer the property or find other ways to make money. However, there is nothing in the evidence of PW1 or PW2 to show that the accused had any prior financial transaction with Sajilakumari. During cross-examination, PW2 admitted that Sajilakumari had never communicated to her regarding her business transactions and that she had never enquired about the persons who had given money to Sajilakumari. She further stated that she had only heard Sangeetha demanding money and that Sajilakumari had merely told her that the persons to whom they were indebted were demanding money, but she never disclosed their names. PW1, during cross-examination, stated that the accused were never shown to him by the police and that he had no knowledge regarding the subscribers of the kuri conducted by Sajilakumari. He also stated that he had not given any information regarding the accused to the police nor had he mentioned their names. PW3 also admitted during cross-examination that he had no information regarding the subscribers of the kuri conducted by Sajilakumari, though he himself was a subscriber and had several financial dealings with her. PW4 stated in cross-examination that he did not know when Sajilakumari started her financial transactions and that he had no knowledge regarding her business dealings. He further stated that he had intervened in her financial matters only about a week prior to her death and denied having any financial transactions with her. PW4 and PW5 also did not depose anything regarding any transaction between

the accused and Sajilakumari and both stated that they had no knowledge about such financial dealings.

22. The prosecution produced Ext.P7 diary and Ext.P3 series passbooks to prove the alleged transaction. In Ext.P7 diary, there is an entry showing the name Sangeetha, and the passbooks in Ext.P3 series also relate to a person by the name Sangeetha. However, no address or other identifying particulars are available in these documents. The learned counsel for the accused argued that Sangeetha is a common name and that there may be many persons with the same name. Therefore, the entries in Ext.P7 diary and Ext.P3 series passbooks, by themselves, are insufficient to establish that the said Sangeetha is the first accused, or that the first accused had any financial transaction with the deceased Sajilakumari. In the absence of any material identifying the said Sangeetha as the first accused, the mere mention of the name in Ext.P7 and Ext.P3 series cannot conclusively prove that the first accused had a transaction with the deceased. Consequently, the contention of the prosecution that these documents establish a monetary transaction between the first accused and the deceased cannot be accepted without further corroborative evidence. Moreover other than the name of the 1st accused there is no evidence to connect the other accused. Therefore, the prosecution has not adduced any evidence to prove that the accused had any financial transaction with Sajilakumari and hence the alleged transaction itself remains unproved.

23. The prosecution further alleges that the accused abetted the suicide by visiting the house of the deceased two days prior to the incident, demanding money from Sajilakumari and asking her either to repay the

amount or to find other means to make money. However, except the testimony of PW2, there is no evidence to support this allegation. PW2 alone stated that two days prior to the incident, Sangeetha and her mother Karthyani came to the house of the deceased and demanded repayment of the amount or asked her to sell the property or find other ways to make money. No other witness has stated that they saw the accused threatening the deceased. The learned counsel for the accused argued that in order to attract the offence under Section 306 of the Indian Penal Code, the prosecution must establish that the acts of the accused had a direct and proximate connection with the suicide of the deceased. According to the evidence of PW2, the alleged visit by Sangeetha and her mother occurred two days prior to the incident and there is no evidence from any witness that immediately prior to the occurrence the accused had committed any act which could have instigated the deceased to commit suicide. It was also pointed out that PW2 only referred to accused Sangeetha and her mother Karthyani, and the said Karthyani was not arrayed as an accused in the case. Apart from the allegation against the first accused, there is no evidence to show that the other accused persons had abetted and instigated the suicide of the deceased.

24. PW4, in his statement recorded under Section 161 Cr.P.C., has stated that Suresh Babu had attempted to sell his property in order to clear his debts. He further stated that two persons, namely Komban Biju and Kunjan, used to drive away the persons who came forward to purchase the property, and therefore Suresh Babu was unable to effect the sale. However, the records do not show that any investigation was conducted with regard to this aspect. The investigating officer has not exam-

ined the said persons nor made any attempt to ascertain the truth of the said allegation. No explanation is forthcoming from the side of the prosecution as to why this line of investigation was not pursued. This omission assumes significance, as the said circumstance, if true, could have a bearing on the financial difficulties faced by the deceased and the circumstances that allegedly led to the incident. The failure of the investigating agency to probe into this aspect reflects a lapse in the investigation and leaves certain relevant circumstances unexplained.

25. The prosecution also relies on the alleged suicide notes to establish the guilt of the accused. According to PW4, one Baburajan handed over Ext.P4 suicide note to the Investigating Officer. PW4 stated that after the incident the police had locked the room and when a foul smell emanated from it, the room was opened with the direction of the police and during the cleaning process the suicide note was found inside a book belonging to Drisya. The learned counsel for the accused argued that Ext.P4 is a fabricated document. It was pointed out that the suicide note was allegedly recovered only after the incident and therefore its genuineness is doubtful. Though PW2, PW3 and PW4 stated that they were acquainted with the handwriting of Sajilakumari, there is evidence from PW4 that he had never actually seen Sajilakumari writing any document. There is also no scientific evidence to prove that the handwriting in the suicide notes belongs to Sajilakumari.

26. On examining Ext.P4 suicide note, it can be seen that the note merely states that the accused persons are responsible for the suicide of the deceased. However, the note does not contain any details regarding the specific acts allegedly committed by the accused which compelled the

deceased to take the extreme step. The suicide note does not narrate any particular incident, threat, harassment or instigation attributable to the accused persons. Another circumstance which assumes significance is that the ranks of the accused as stated in the F.I.R. are also mentioned in Ext.P4 suicide note. Further, the said suicide note was not recovered at the time of the initial investigation. It was produced by PW4 only after a few days of the incident. The delay in producing such an important document, coupled with the absence of any detailed description regarding the alleged acts of the accused, creates a doubt regarding the evidentiary value of Ext.P4. In such circumstances, Ext.P4 by itself cannot be treated as a reliable piece of evidence to conclusively establish that the accused had abetted the commission of suicide by the deceased. Ext.P2 only the name of the first accused is mentioned and the names of the other accused are not referred to. Moreover, the dates on which the suicide notes were allegedly written are not mentioned. Hence it appears improbable that Sajilakumari had written two separate suicide notes on the same day before committing suicide mentioning different persons and reasons.

27. PW4, who identified the signature and handwriting, stated that Sajilakumari had earlier handed over to him a leave letter written for attending the death of a relative at Kannur and had also shown him a letter addressed to the Secretary of the Vanitha Society and a grocery list written by her. However, there is no evidence that PW4 had at any time seen Sajilakumari actually writing those documents. His evidence only shows that she had handed over some documents to him. PW2 and PW4 also during cross-examination stated that there is difference in the handwriting and signature in Ext.P2 and Ext.P3 series. Therefore, merely be-

cause he had seen those documents, it cannot be concluded that the documents were written by Sajilakumari and hence his identification of the handwriting cannot be relied upon. PW2 also stated that she was acquainted with the handwriting of Sajilakumari as she had lived with her for four years, but she too admitted that she had not directly witnessed Sajilakumari writing any documents. Therefore, the evidence of PW2 also does not satisfactorily prove that the suicide notes were written by Sajilakumari.

28. It was further argued that in order to establish an offence under Section 306 IPC there must be a clear nexus between the acts of the accused and the suicide of the deceased. In the present case, even if the evidence of PW2 and PW4 is taken at its face value that the accused had used threatening or abusive words towards the deceased, the alleged incident had occurred two days prior to the suicide. It was also stated that the incident was witnessed by the father and mother of the deceased, but they were not examined as witnesses, though they were the best persons to speak about the alleged incident. Finally, the learned counsel for the accused reiterated that the prosecution has failed to prove that the accused had any financial transaction with the deceased. Even though PW1, PW2 and PW4 have stated that Sajilakumari was conducting chitty and money lending business, there is no evidence to establish that the accused had any such dealings with her. Hence, according to the defence, the alleged financial transaction itself remains unproved.

29. The prosecution produced certain documents obtained from the Mukundapuram Taluk Women's Welfare Co-operative Society to establish the financial transactions of the deceased. However, the prosecution did

not mark those documents in evidence. The said documents were later marked from the side of the accused. Those documents reveal that the deceased Sajila Kumari and Suresh Babu had subscribed to several *kuries (chits)* and had received substantial amounts through them. Relying on these documents, the defence contended that the family was under heavy financial liabilities. According to the defence, due to the mounting debts and financial pressure, Suresh Babu administered poison to his wife and children and thereafter committed suicide. The learned counsel for the third accused also pointed out several circumstances to support this theory. It was argued that no traces of poison or food particles were detected on the hands of Sajila Kumari and Drishya. Further, injuries were noted on the body of Adarsh. It was also highlighted that the empty bottle allegedly containing poison was not recovered from the place of occurrence. These circumstances, according to defence, create serious doubts regarding the prosecution case.

30. In this context, it is relevant to note that Suresh Babu was initially arrayed as the 5th accused in the case, but was later removed from the array of accused. The evidence further shows that Suresh Babu did not consume poison, but instead died by hanging. If the alleged plan of the family was to commit suicide together by consuming poison at the same time, the fact that Suresh Babu adopted a different mode of death, namely hanging, creates a serious doubt regarding the prosecution version of events. The evidence of PW4 is also crucial in this regard. PW4 deposed that on 22.07.2014 at about 7.00 p.m. he met Suresh Babu, and during that meeting Suresh Babu informed him that he was indebted to many persons. He further stated that in order to clear those liabilities

they had decided to sell their property and had already arranged brokers for the same. PW4 is the last person who met Suresh Babu alive. PW4 also stated that Suresh Babu informed him that Sangeetha and her mother had come to his house and created some issues, and therefore he had decided to call all his creditors in order to ascertain the exact liabilities. This testimony indicates that Suresh Babu was deeply concerned about the huge debts and financial pressure faced by him. Thus, the evidence of PW4 lends support to the defence contention that Suresh Babu was under severe financial stress, and that such financial difficulties might have driven him to take the extreme step. Therefore, the above circumstances highlighted by the defence assume considerable significance while appreciating the evidence on record.

31. In this context, it is also relevant to note that Suresh Babu was initially arrayed as the 5th accused in the case, but was later removed from the array of accused. Moreover, the evidence shows that Suresh Babu did not consume poison, but instead died by hanging. If the alleged plan of the family was to commit suicide together by consuming poison at the same time, the fact that Suresh Babu adopted a different mode of death, namely hanging, raises a serious doubt regarding the prosecution version of events. Thus, the above circumstances highlighted by the defence assume significance while appreciating the evidence on record.

32. The argument raised by the learned counsel for the accused is that the father and mother of the deceased Suresh Babu, who were cited as CW2 and CW3 and were admittedly residing along with the deceased persons, were the most competent witnesses to speak about the circum-

stances leading to the incident. According to the defence, since they had direct knowledge regarding the alleged transactions and the events that occurred prior to the death, they were the best witnesses available to the prosecution. It was therefore contended that the failure of the prosecution to examine CW2 and CW3 is fatal to the prosecution case and creates a serious doubt regarding the truth of the prosecution version. The non-examination of CW2 and CW3 cannot automatically be treated as fatal to the prosecution unless it is shown that their evidence was essential for unfolding the prosecution case and that the evidence already on record is insufficient or doubtful. The prosecution examined PW1 to PW4 in order to prove the alleged acts of threat, intimidation and instigation said to have been made by the accused persons. On an evaluation of their evidence, it can be seen that PW1 and PW4 have no direct knowledge regarding any act of intimidation or threat made by the accused towards the deceased persons. Their evidence is only based on what they allegedly heard from others and therefore their testimony is only in the nature of hearsay, which by itself cannot be relied upon to prove the alleged instigation.

33. The evidence of PW2 is that two days prior to the incident, while she was talking with Sajilakumari, Sangeetha and her mother Karthyayani came there and demanded money and made certain comments. However, a careful perusal of the statement given under Section 161 Cr.P.C. by CW2 shows that she had mentioned the names of other accused persons also in connection with the said incident. Similarly, CW3 in her 161 statement had stated about the presence of another person by name Bindu. However, the said Bindu has not been arrayed as an ac-

cused in the present case. Further, PW2, CW2 and CW3 have all stated about the involvement of one Karthyayani in the alleged demand and the comments made at the relevant time. But she has also not been made an accused in the case. The investigating officer has not offered any explanation as to why the said persons, who were specifically named by the witnesses, were not made accused in the final report. This omission on the part of the investigating agency creates a doubt regarding the manner in which the investigation was conducted and also affects the credibility of the prosecution case to some extent. In such circumstances, the non-examination of CW2 and CW3 is fatal. The evidence of PW1 to PW4 does not clearly establish any specific act of threat, intimidation or instigation attributable to the accused persons immediately preceding the incident.

34. On a careful evaluation of the entire evidence on record, this Court finds that the prosecution has failed to establish the essential ingredients required to attract the offence under Section 306 of the Indian Penal Code. In order to sustain a conviction for abetment of suicide, the prosecution must prove that the accused had intentionally instigated, aided or actively participated in the commission of suicide and that there existed a clear and proximate nexus between the acts of the accused and the suicide of the deceased.

35. In the present case, the prosecution has not succeeded in proving that the accused had any financial transaction with the deceased Sajilakumari. Though the prosecution alleged that Sajilakumari was conducting a kuri or chitty business and that the accused had borrowed money from her, none of the witnesses examined as PW1 to PW5 has stated

that the accused had any such financial dealings with the deceased. The documents relied upon by the prosecution, namely Ext.P7 diary and Ext. P3 series passbooks, only contain the name “Sangeetha” without any identifying particulars such as address or other details to establish that the said person is the first accused. Apart from the mere mention of the name, there is no material to connect the accused with the alleged financial transaction. Consequently, the prosecution has failed to prove the very foundation of its case, namely that the accused were indebted to Sajilakumari.

36. Further, the allegation that the accused had trespassed into the house of the deceased and demanded repayment of money is supported only by the testimony of PW2. No other independent witness has corroborated this version. Even according to PW2, the alleged incident had taken place two days prior to the occurrence. There is no evidence to show that immediately prior to the suicide the accused had committed any act which could have instigated or compelled the deceased to take the extreme step. In the absence of a clear and proximate link between the alleged acts of the accused and the suicide, the essential ingredients of abetment are not established.

37. The prosecution also relied upon the alleged suicide notes to connect the accused with the occurrence. However, the authorship of the suicide notes has not been satisfactorily proved. There is no scientific or expert evidence to establish that the handwriting in the said notes belongs to Sajilakumari. The witnesses who claimed to identify the handwriting admitted that they had not actually seen Sajilakumari writing any document. Moreover, the contents of the alleged notes are vague and do

not disclose the specific acts committed by the accused.

38. On the other hand, the materials brought on record indicate that the deceased Sajilakumari and her husband Suresh Babu were facing serious financial liabilities. The documents produced from the Mukundapuram Taluk Women's Welfare Co-operative Society show that they had subscribed to several kuries and had received substantial amounts. The evidence of PW4 further reveals that Suresh Babu was deeply concerned about the heavy debts and had even taken steps to sell his property to clear the liabilities. These circumstances create a reasonable possibility that the family was under severe financial stress. It is also relevant to note that Suresh Babu, who was initially arrayed as the fifth accused, did not consume poison but died by hanging. If the alleged plan was that the family had decided to commit suicide together by consuming poison, the fact that Suresh Babu adopted a different mode of death raises serious doubt regarding the prosecution version.

39. The burden lies on the prosecution to prove the guilt of the accused beyond reasonable doubt. When the evidence on record gives rise to reasonable doubt regarding the prosecution case, the benefit of such doubt must necessarily go to the accused. Therefore, on an overall appreciation of the oral and documentary evidence, this Court finds that the prosecution has failed to prove beyond reasonable doubt that the accused had abetted the suicide of the deceased persons. Accordingly, the accused are found not guilty of the offences punishable under Section 447, 506 (i) and 306 read with 34 of the Indian Penal Code and they are entitled to the benefit of doubt. The accused are therefore acquitted of all the charges levelled against them.

40. **Point No. 4:-** In the light of the above discussion I hold that the prosecution has failed to prove the allegation against the accused person beyond reasonable doubt. In the result the accused Nos.1 to 4 are found not guilty of the offences punishable u/ss 447, 506 (i) and 306 read with 34 of the Indian Penal Code and the accused are acquitted of the said offences u/s 235(1) CrPC and they are set at liberty. Their bail bonds stand cancelled.

(Dictated to the confidential assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 11th day of March, 2026.)

Sd/-

Lekshmi K. Thampi
Additional Assistant Sessions Judge,
Irinjalakuda.

APPENDIX

A. Prosecution witnesses:-

Prosecution witness No.	Name	Description
1	Ramesan	First informant
2	Sujatha Sivaraman	Relative of A5
3	Venugopalan	Attestor to P3 series
4	Baburajan	Attender, Kodakara Society
5	Mejo.C.Jiri	Secretaray, Womens Welfare Co-Operative Society.
6	Manojkumar	Staff, Vellikulangara Service Bank.
7	Dr.Hithesh Sankar	Asst. Professor & Dy Police Surgeon, Medical College Hospital, Thrissur.

8	Dr.Sheik Hussain Shakeen	Asst. Professor of Police & Asst. Police Surgeon, Forensic Medicine, Medical College Hospital, Thrissur
9	Sunilkumar.T.B.	Grade Civil Police Officer, Vellikulangara.
10	Santhosh.U.N.	Senior Civil Police Officer, Vellikulangara.
11	Arun.T.V.	Civil Police Officer, Vellikulangara.
12	Badharayan	Photographer.
13	Shanmughan	Station House Officer, Kodakara.
14	Zafna Rasheed	Scientific Assistant, DCRB, Thrissur.
15	M.D.Devassy	Grade Sub Inspector, Kodakara police station.
16	Saneesh Babu	Witness to P4, P13
17	Valsakumar	Grade Sub Inspector, Kodakara police station.
18	Sundaran.C.	Circle Inspector, Kodakara police station.
19	Sumesh.K.	Circle Inspector, Kodakara police station.

A. Prosecution Exhibits:-

Exhibit No	Description of the exhibit	Proved by/ Attested by
1	FIS	PW1, PW13
2	Suicide letter of Sajilakumari	PW1
3 series	Passbook	PW1, PW2, PW3,PW6, PW9
4	Suicide letter of Sajilakumari	PW2, PW4, PW11
5	Letter of Sajilakumari	PW2, PW4, PW10

6	Seizure mahazar	PW6, PW9
7	Diary	PW6, PW9
8	Postmortem certificate	PW7
9	Postmortem certificate	PW7
10	Postmortem certificate	PW7
11	Postmortem certificate	PW8
12	Seizure mahazar of letter	PW10
13	Seizure mahazar of suicide note	PW11
14	Photograph	PW4, PW12
15	CD	PW12
16	Certificate	PW12
17	FIR	PW13
18	Inquest report of Suresh Babu	PW13
19	Mahazar of plastic tin and bottles	PW13
20	Inquest report of Adarsh	PW13
21	Inquest report of Drisya	PW15
22	Inquest report of Sajilakumari	PW17
23	Arrest memo of A2	PW18
24	Bail bond of A2	PW18
25	Arrest memo of A3	PW18
26	Bail bond of A3	PW18
27	Arrest memo of A4	PW18
28	Bail bond of A4	PW18
29	Arrest memo of A1	PW18
30	Bail bond of A1	PW18
31	Property list of diary & passbook	PW18
32	Forwarding note	PW18

B. Defence Witness:- Nil.

B. Defence Exhibits:-

Exhibit No	Description
1	Relevant portion of statement
2	Certified copy of document No.1136/2016
3	Certified copy of document No.1138/2016
4	Certified copy of document No.1137/2016
5	Certified copy of document No.1139/2016
6 series	Portion of 161 statement
7	Portion of 161 statement
8	Certified copy of deed No.315
9	Certified copy of deed No.3401
10	Encumbrance certificate
11 series	Letter
12	Loan application.

Material Objects :-

Material Object No.	Description of the exhibit	Proved by/ Attested by
1	Glass bottle item No.4	PW1
2	Plastic bottle item No.5	PW1
3	Bottles	PW13
4 series	Plastic tins	PW13

FOOT NOTE

Crime No & Name of Police Station	Crime No.1306/2014 of Kodakara Police Station.
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DESCRIPTION OF THE ACCUSED

Sl. No.	Name of accused	Father's name	Occupation	Residence	Age
1.	Sangeetha	Radhakrishhan	--	Komboth House, Vasupuram Desom, Mattathur Village.	44
2.	Saritha	Rajan	--	Ainikkadan House, Vasupuram Desom, Mattathur Village.	46
3.	Rosy	Jose	--	Plakka House, Vasupuram Desom, Mattathur Village.	72
4.	Deepa	Jayan	--	Nellipparamban House, Vasupuram Desom, Mattathur Village.	42
5.	Suresh Babu (Abated)	Janardhanan	--	Kuttiparambil House, Vasupuram Desom, Mattathur Village.	-

DATE OF

Occurrence	:	23.07.2014
Complaint	:	23.07.2014
Commitment	:	30.05.2018
Arrest	:	A1 – 22.06.2015 A2 – 23.12.2014 A3 – 15.12.2016 A4 – 17.11.2014 A5 – Abated
Released on bail	:	A1 – 22.06.2015 A2 – 23.12.2014 A3 – 15.12.2016 A4 – 17.11.2014 A5 – Abated

Commencement of trial	:	01.02.2022
Closure of trial	:	02.02.2026
Judgment pronounced	:	11.03.2026
Sentence/Order	:	11.03.2026.
Copy given to accused	:	Nil.
Explanation for delay.	:	No delay.

Sd/-

**Additional Assistant Sessions Judge,
Irinjalakuda.**

// True Copy //

By Order,

Sheristadar.