

APHC010478122008



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3368]

THURSDAY, THE TWENTY NINTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

CRIMINAL APPEAL NO: 504/2008

Between:

- 1.GUDURU RANGARAJU, & 5 OTHERS,, S/O NAGARAJU, R/O CHINNAMPALLI VILLAGE, OBULAVARIPALLI MANDAL, KADAPA DISTRICT.
- 2.GUDURU CHINNAMARA RAJU,, S/O RAMARAJU, R/O CHINNAMPALLI VILLAGE, OBULAVARIPALLI MANDAL, KADAPA DISTRICT.
- 3.GUDURU RAMARAJU @ RAMUDU,, S/O VEERAAIAH, R/O CHINNAMPALLI VILLAGE, OBULAVARIPALLI MANDAL, KADAPA DISTRICT.
- 4.PALUKURI SUBRAMANYAM RAJU,, S/O VENKATA RAJU, R/O CHINNAMPALLI VILLAGE, OBULAVARIPALLI MANDAL, KADAPA DISTRICT.
- 5.DASANAPU NARAYANA RAJU,, S/O VENKATARAJU, R/O CHINNAMPALLI VILLAGE, OBULAVARIPALLI MANDAL, KADAPA DISTRICT.
- 6.DASANAPU VENKATESWARA RAJU,, S/O VENKATA RAJU, R/O CHINNAMPALLI VILLAGE, OBULAVARIPALLI MANDAL, KADAPA DISTRICT.

...APELLANT(S)

AND

1.THE STATE OF AP REP BY ITS PP HYD, rep. by its Public Prosecutor,
High Court of A.P., at Hyderabad.

... RESPONDENT

Counsel for the Appellant(S):

1.D KODANDARAMI REDDY

Counsel for the Respondent:

1.PUBLIC PROSECUTOR (AP)

The Court made the following:

THE HON'BLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI**CRIMINAL APPEAL No.504 OF 2008**

The present criminal appeal is preferred by the appellants/accused A1 to A6, who are aggrieved by the conviction recorded by the learned Assistant Sessions Judge, Rajampet, in S.C.No.62 of 2007, *vide* judgment dated 17.04.2008.

2. The appellants/accused No.1 to 6 are convicted for the offence punishable under Section 306 of the Indian Penal Code and are sentenced to undergo rigorous imprisonment for ten (10) years each and to pay a fine of Rs.200/- (Rupees Two Hundred only) each, in default to undergo simple imprisonment for one (1) month each.

3. Heard Sri D.Kodandarami Reddy, learned counsel for the appellants/accused No.1 to 6, and Sri P.Somayaji, learned Additional Public Prosecutor representing the respondent-State.

4. The case of the prosecution is that on 16.07.2006 at about 09.00 a.m., when the deceased, Sri G. Chinnama Raju, is constructing a wall for keeping a petty shop at Chinnamapalli Village, accused No.1 to 6 came there and altercated with the deceased. The accused abused him in filthy language, made aspersions against the conduct of his wife, and insulted him. Later, the deceased

went home, unable to bear the humiliation, and committed suicide by consuming insecticide poison.

5. PW1, Sri G. Sridevi, daughter of the deceased, is present at home. She raised cries. On hearing the cries, Sri G. Narayana Raju (PW2), Sri G. Rama Raju (PW3), and others came there and shifted the deceased to Obulavaripalle Police Station in an auto. Later, the deceased was shifted to the Government Hospital, Rajampet. At that time, the deceased was in an unconscious state.

6. The Assistant Sub-Inspector of Police, Rajampet Police Station (PW13), received intimation from the Medical Officer, Government Hospital, Rajampet (Ex.P12). PW13 went to the Government Hospital and found that the deceased is unconscious. Therefore, he recorded the statement of PW1 under Ex.P1. Later, PW13 transferred Ex.P1 to Obulavaripalle Police Station on the point of jurisdiction by way of Ex.P13 memo.

7. The Sub-Inspector of Police (PW14) received the death intimation of the deceased (Ex.P14) from the Government Hospital, Rajampet. Basing on Exs.P1, P12, and P14, PW14 registered a case in Crime No.60 of 2006 on the file of Obulavaripalle Police Station for the offence punishable under Section 306 read with Section 34 IPC. He submitted the original FIR (Ex.P16) to the learned Judicial First Class Magistrate, Railway Kodur.

8. On 16.07.2006 at about 3.15 p.m., PW14 examined PW1 at the Government Hospital, Rajampet. PW14 conducted an inquest over the dead body of the deceased in the presence of PWs 9 and 10. Ex.P8 is the inquest report. During the inquest, PW14 examined PWs 1, 2, and 3 and recorded their statements. PW14 also examined LW2 Chengal Raju. During the inquest, PW14 seized MO1 white baniyan, MO2 white full open shirt, MO3 cotton dhoti, and MO4 drawer.

9. On 16.07.2006 at about 5.25 p.m., PW12 Dr. S. Vijaya Lakshmi, Civil Assistant Surgeon, Government Hospital, Rajampet, conducted autopsy over the dead body of the deceased and opined that the deceased appeared to have died due to cardio respiratory failure, as a result of consumption of organophosphate insecticide poison. Ex.P9 is the post-mortem certificate.

10. PW14 prepared a rough sketch of the scene of offence under Ex.P16. At the scene of offence, PW14 examined PWs 4 to 8 and recorded their statements.

11. On 17.07.2006, PW14 examined the wife of the deceased and PW8 and recorded their statements.

12. On 09.08.2006 at about 10.00 a.m., PW14 arrested A1 to A6 at the residence of A1 at Chennampalle. The viscera preserved by PW12 is sent to the RFSL, Kurnool, through the letter of advice of the Judicial First Class Magistrate,

Railway Kodur. The RFSL report is marked as Ex.P11. Basing on Ex.P11, PW12 issued the final opinion regarding the cause of death under Ex.P10.

13. After completion of the investigation, PW14 filed the charge sheet.

14. In order to prove the guilt of the accused, the prosecution examined PWs 1 to 14 and marked Exs.P1 to P16 and MOs 1 to 4.

15. The accused are examined under Section 313 Cr.P.C. with regard to the incriminating circumstances appearing against them. They denied the same. No defence evidence adduced.

16. The learned trial court, basing on the evidence of PWs 1 to 3, found all the accused A1 to A6 guilty for the offence under Section 306 IPC and convicted them under Section 235(2) Cr.P.C. and sentenced them to undergo rigorous imprisonment for ten (10) years each and to pay a fine of Rs.200/- (Rupees Two Hundred only) each, in default to undergo simple imprisonment for one (1) month each.

17. The learned trial court found the accused No.1 to 6 not guilty for the offence under Section 147 IPC and acquitted them under Section 235(1) Cr.P.C.

18. Hence, the present criminal appeal is preferred.

19. Sri D. Kodandarami Reddy, learned counsel for the appellants, submitted that the trial court committed a grave error in law by convicting the accused

based solely on the testimony of PWs 1 to 3, who are not eye-witnesses to the alleged incident dated 16.07.2006 at 9.00 a.m. The eye-witnesses, namely PWs 4 to 10, did not support the prosecution case. Therefore, the conviction is not sustainable, as there is no evidence to prove that the incident occurred as alleged.

20. He further submitted that even if the alleged incident is taken into consideration, it did not satisfy the ingredients of Section 306 IPC. He relied on the judgment of the Hon'ble Supreme Court in the case of **Geeta vs. State of Karnataka** (2025 INSC 1089, Criminal Appeal No.1044 of 2018), wherein it is held that ***“those words are casual nature which are often employed in the heat of the moment between quarrelling people. Nothing serious is expected to follow thereafter. The said act does not reflect the requisite mens rea on the assumption that these words would be carried out in all events.”***

21. In order to bring out an offence under section 306 IPC, specific abatement as contemplated by section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned, as a result of that abatement is required. It is further held that the intention of the accused to aid or to instigate or to abet the deceased to commit suicide is a must for attracting section 306 IPC.

22. In the case on hand, the evidence on record did not prove that the accused, with any intention to bring about the suicide of the deceased, uttered the alleged words. There is no evidence to prove that the accused had any intention to instigate or aid the deceased to commit suicide, which is a necessary requirement to constitute the offence under Section 306 IPC.

23. Therefore, both on facts and in law, the prosecution failed to bring home the guilt of the accused for the offence under Section 306 IPC. Hence, the judgment of the trial court is not sustainable in law.

24. Sri P.Somayaji, learned Additional Public Prosecutor, per contra, submitted that there are no grounds to interfere with the conviction recorded by the trial court. He contended that the evidence of PWs 1 to 3 established that the accused insulted the deceased and thereby provoked him to commit suicide. Hence, according to him, the judgment of the trial court is sustainable in law.

25. The ingredients required to prove the offence punishable under Section 306 IPC are intentional aid or instigation to the commission of suicide by the deceased. Insulting a person by using abusive words, by itself, does not constitute abetment of suicide unless such acts clearly suggest that the accused instigated the deceased to commit suicide either by incitement or by creating such circumstances that the deceased is left with no option except to commit suicide.

26. The Hon'ble Apex Court, as stated above, held that words spoken during an altercation or in a quarrel, though insulting, would not amount to abetment of suicide.

27. In the present case, admittedly, PWs 1 to 3 are not eye-witnesses to the incident that allegedly occurred on 16.07.2006 at 9.00 a.m. PW1, the daughter of the deceased, admitted in her cross-examination that she is at home at the time of the incident and that she could neither see nor hear what is happening at the scene of offence. The evidence of PWs 2 and 3 also disclosed that they are not eye-witnesses. The prosecution examined PWs 4 to 10 as eye-witnesses; however, they did not support the case of the prosecution.

28. Furthermore, Ex.P1, which is presented by PW1 to the Assistant Sub-Inspector of Police (PW13) and treated as the First Information Report, did not disclose any utterances allegedly made by the accused during the altercation. PW13 also stated that no such utterances are mentioned in Ex.P1. Therefore, it is clear that the alleged utterances spoken of by PW1 during her evidence are embellishments made during the course of trial.

29. As already stated, PW1 is not an eye-witness to the incident. Therefore, no credibility could be attached to her testimony regarding the alleged utterances attributed to the accused. On the basis of the evidence on record, nothing is brought out to attract the offence under Section 306 IPC against the

accused No.1 to 6. There is no evidence to show any mens rea or intention on the part of the accused to instigate or compel the deceased to commit suicide by using the alleged insulting words.

30. Thus, the essential ingredients of the offence under Section 306 IPC are completely lacking in the present case.

31. This Court found that the trial court failed to consider these vital aspects and proceeded on the erroneous assumption that the evidence of PW1 alone is sufficient to prove the offence. Such an approach resulted in an error of law, and the conviction recorded is not sustainable in light of the above observations. Hence, the judgment of the trial court is liable to be set aside.

32. Accordingly, the Criminal Appeal is allowed. The judgment of the trial Court is set aside. Therefore, the accused No.1 to 6 are acquitted for the offence U/s.306 IPC. The fine amount if any paid by the accused shall be refunded to them in accordance with law. The bail bonds of the appellants/accused shall stand cancelled. As a sequel, Interlocutory Applications pending, if any, shall stand closed.

The judgment shall be certified and communicated to the trial Court as per section 384 Cr.P.C.

JUSTICE B.V.L.N. CHAKRAVARTHI

29.01.2026
Cbn/PSK

THE HONOURABLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI

227

CRIMINAL APPEAL No: 504 OF 2008

Date: 29.01.2026

W
Cbn/PSK