



2026:CGHC:10624



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No.83 of 2022

The State Of Chhattisgarh Through- Police Station Chakarbhata, District- Bilaspur (C.G.)

... Appellant

versus

Sunil Kumar Sahu S/o Ram Kumar Sahu Aged About 23 Years R/o Village Jonki, P.S. Chakarbhatha, District- Bilaspur (C.G.)

... Respondent(s)

For Appellant : Shri Dharmesh Shrivastava, Dy.AG

For Respondent(s) : Shri Malay Shrivastava, Advocate

Single Bench: Hon'ble Shri Justice Sanjay S. Agrawal

Judgment on board

28/02/2026

1. This appeal has been preferred by the Appellant/State under Section 378 of the Code of Criminal Procedure, 1973, questioning the legality and propriety of the judgment dated 23/01/2017 passed by the learned Fourth Additional Sessions Judge, Bilaspur (C.G.) in Sessions Trial No.85/2016, whereby, the respondent has been acquitted with regard to the offence punishable under Sections 306 of IPC.

2. According to the prosecution, a merged intimation (Ex.P-6) was lodged by one Baran Singh, the neighbour, on 06/02/2016 before the Outpost-Sakri, Police Station Chakarbhata, Bilaspur, stating therein



that the deceased has committed suicide by hanging herself and based upon its enquiry, an FIR (Ex.P-12) was registered on 19/03/2016 against the respondent for the offence punishable under Section 306 of IPC.

3. It is alleged by the prosecution that the respondent and the deceased were in love affair and the respondent always assured her for marriage, but, three to four days prior to the occurrence of the alleged incident, a quarrel took place between them, owing to which, the respondent has refused to marry with her, which compelled her to commit suicide by hanging herself. It reveals further that during the course of investigation, a letter, written by the deceased, was recovered and, based upon the materials available on record, the respondent was charge-sheeted with regard to the offence mentioned herein-above, which was denied by him and claimed to be tried.
4. In order to establish the alleged allegations, the sister of the deceased, namely, Sangita Sahu was examined as PW-1 and it appears from her testimony that there was love relation of her sister with the respondent, who used to come to her house and both wanted to marry with each other. It reveals further from her testimony that the parents of her were ready, but the parents of the respondent were, however, not ready for the same. She deposed further that prior to the occurrence of the alleged incident, a dispute arose between her deceased sister and the respondent, owing to which, the respondent stopped coming to her house. It further



reveals from her testimony that a letter was recovered from her deceased sister during the course of investigation. Further of her testimony would reveal the fact that prior to the occurrence of the alleged incident, the respondent had told her deceased sister that he will not marry with her and her sister died because of the respondent. She deposed further that she and her mother had heard that the respondent has refused to marry with her deceased sister and, in her cross-examination, it appears that when a dispute arose between her deceased sister and the respondent, the respondent stopped coming to her house and her deceased sister also stopped going to the school and further, it was stated, at para-7, that her deceased sister informed to her cousin that if her marriage would not be solemnized with the respondent, she would, then commit suicide.

5. Another sister of the deceased was examined as PW-2 and according to her, a dispute arose between the deceased sister and the respondent and, he has refused to marry with her deceased sister. She deposed further that she doesn't know as to why her sister has committed suicide.
6. Dasru Sahu (PW-5) is the father of the deceased and according to him, there was love affair between his daughter and the respondent-Sunil, who often used to visit his house and he was ready for marriage of his daughter with him, but, his father was, however, not ready for the same and, that was the reason why marriage was not being performed.



7. Mother (Pusai Sahu) of the deceased was examined as PW-9 and according to her, she heard that the respondent has refused to marry with her daughter and thereafter, her daughter has committed suicide by hanging herself. She deposed further that since the respondent had refused to marry, therefore, her daughter has hanged herself, but, in her cross-examination, it was revealed that the alleged refusal was, however, not made by him in her presence.
8. What is, therefore, reflected from the testimonies of the aforesaid prosecution witnesses that, although the prosecution has tried to establish the fact that because of refusal of respondent to marry with the deceased, she has committed suicide, but no cogent and reliable evidence has, however, been led to this effect. Besides, a letter, written by the deceased, was recovered during the course of investigation and, a bare perusal of it would show that she has not committed suicide because of refusal of marriage by the respondent, nor any blame was made by her upon him.
9. At this juncture, it is to be seen the principles laid down by the Supreme Court in the matter of ***Mahendra Awase vs. State of Madhya Pradesh***, reported in ***(2025) 4 SCC 801***, relied upon by learned counsel appearing for the respondent, wherein, while interpreting the provisions prescribed under Sections 306 and 107 of IPC, it was observed at paragraphs 12, 16 and 19, as under:-

12. "As is clear from the plain language of the sections to attract the ingredient of Section 306, the accused should have abetted the commission of a suicide. A person abets the doing of a thing who Firstly - instigates any person to do that thing or Secondly - engages



with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing or Thirdly - intentionally aids, by any act or illegal omission, the doing of that thing.

16. In order to bring a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC.

19. As has been held hereinabove, to satisfy the requirement of instigation the accused by his act or omission or by a continued course of conduct should have created such circumstances that the deceased was left with no other option except to commit suicide.....”

10. In view of the principles laid down by the Supreme Court in the above-referred matter, it is, thus, evident that in order to bring a case within the purview of Section 306 IPC, there must be a case of Suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC.



- 11.** However, in the instant matter, as observed herein-above, no cogent and reliable evidence has been placed by the prosecution, so as to hold that the respondent has abetted or instigated the deceased for taking such an extreme step of committing suicide on the said fateful day attributing him for the commission of offence under Section 306 of IPC.
- 12.** In view of the aforesaid background, I do not find any substance in this appeal, which is accordingly dismissed

**SD/-
(Sanjay S. Agrawal)
Judge**