



2026:CGHC:10134



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HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 207 of 2021

State of Chhattisgarh Through The Police Station Pendra, District Bilaspur Chhattisgarh. (Now District Gourela Pendra Marwahi).

...Appellant

versus

1 - Mohd. Yasir Khan S/o Abdul Hamid Khan, Aged About 26 Years R/o Aazad Chowk, Pendra, District Gourela Pendra Marwahi Chhattisgarh.

2 - Shalu @ Salman S/o Dilwar Khan, Aged About 25 Years R/o New Bus Stand, Pendra, District Gourela Pendra Marwahi Chhattisgarh.

3 - Vikki @ Vikas Gupta S/o Rajendra Prasad Gupta, Aged About 29 Years R/o Purani Basti, Ward No. 4, Pendra, District Gourela Pendra Marwahi Chhattisgarh.

... Respondents

For Appellant	: Mr. Dharmesh Shrivastava, Dy.A.G.
For Respondents No.1 and 2	: Mr. Divyanand Patel, Advocate
For Respondent No.3	: Mr. Qamrul Aziz, Advocate

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

Judgment on Board

26.02.2026

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 24.11.2020, passed by the Additional Sessions Judge, Pendraroad, District Bilaspur (CG) in



Sessions Trial No.28/2019, whereby, the respondents have been acquitted with regard to the offence punishable under Section 306/34 of IPC.

2. According to the prosecution, a merged intimation (Ex.P-1) was lodged on 17.07.2018 at 17.45 hours by the uncle of the deceased – Chhotu @ Sanket Keshari before the Police Station- Pendra, District Bilaspur, stating therein, that his nephew has committed suicide by hanging himself from an iron rod inside the well, based upon some unknown reason. An enquiry was, thereupon, conducted and it was revealed that the deceased had borrowed a sum of Rs.3,500/- from Mohd. Yasir Khan and Shalu @ Salman, while Rs.1,120/- from another accused, namely, Vikki @ Vikas Gupta, who used to torture and harass him for refund of the loan amount as advanced. It is alleged further that on 15th and 16th of July, 2018, they abused the deceased while using filthy words and assaulted him, owing to which, he committed suicide and based upon the alleged allegation, the respondents have been charge-sheeted with regard to the offence punishable under Section 306/34 of IPC.
3. In order to establish the alleged allegations, the statement of brother of the deceased, namely, Saket Keshari, was examined as PW-1 and according to him, it appears that he was informed on the date of incident by his deceased brother that the accused- Vikki has assaulted him on account of the alleged loan transaction and has looted his mobile and, it was deposed further that on account of the alleged loan transaction, the accused persons have used to assault him and looted his mobile as well. It, however, appears further from his cross-



examination, particularly para 5, as to why he was not aware that why he has committed suicide.

4. According to the uncle of the deceased, namely, Sandip Keshari (PW-2), it appears that his nephew was assaulted by the respondents on account of the loan transaction and, it reveals further from para 7 of his testimony that prior to the occurrence of the alleged incident, his deceased nephew has not informed anything and was not aware as to what had happened with him.
5. Rajendra Keshari (PW-3) is the father of the deceased and according to him, he was informed by his younger brother, namely, Sachin on 16.07.2018 that the respondent- Vikki has assaulted his son as also looted his mobile and, was informed further that he obtained his said mobile from him by giving him Rs.1,000/-.
6. Pranjul Keshari (PW-4) is the cousin of the deceased and it appears from his testimony that he went to the house of Vikki along with the deceased, where in front of his house, he looted the mobile of the deceased and about to fighting with him on account of the alleged loan transaction. Although, it was stated by him that prior to the occurrence of the incident, the deceased was threatened by the respondents- Yasir Khan and Shalu, but from his cross-examination at para 2, it appears that he was not aware when he was assaulted by them.
7. Smt. Kumud Keshari (PW-6) is the mother of the deceased and it appears from her testimony that she was informed by her brother-in-law (Devar), namely, Sachin that her son was assaulted by the respondents, and also looted his mobile. It was, however, stated by her



that she is not aware why her son has committed suicide and, was not aware that because of the torture given by the respondents, he has taken such an extreme step of committing suicide.

8. Sachin Keshari (PW-7) is the uncle of the deceased and it appears from his testimony that the mobile of the deceased was looted by the respondents- Yasir and Shalu, as the deceased was not refunding the loan amount, which he borrowed from them. Further of his testimony, particularly para 6, would reveal the fact that the deceased has not committed suicide because of the quarrel, which was taken place between him with the respondents- Yasir and Shalu and instead, it was deposed by him that he committed suicide because a quarrel of him was taken place near Bajrang Chowk with some other persons.
9. In view of the aforesaid testimonies of the prosecution witnesses, it is difficult to hold that the deceased has committed suicide because of the harassment or any kind of instigation given by them. No cogent and reliable evidence has, thus, been led by the prosecution, so as to hold that the deceased has committed suicide because of the abetment given by them.
10. The aforesaid observation is fortified by the principles laid down by Hon'ble the Supreme Court in the matter of **Madan Mohan Singh v. State of Gujarat**, reported in **(2010) 8 SCC 628**, wherein, it was held that in order to bring out an offence under Section 306 IPC, specific abetment 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 abetment is required. It was further held



therein 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.

11. Likewise is the principle laid down by the Supreme Court in the matter of **Amalendu Pal v. State of W.B.**, reported in **(2010) 1 SCC 707**, wherein, it has been held at para 12 as under :-

“12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.”
(emphasis supplied)

12. In view of the principles laid down by the Supreme Court in the above-referred matters, 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. However, in the instant matter, as observed herein-above, no cogent and reliable



evidence has been led by the prosecution, so as to hold that the respondents have abetted or instigated the deceased for taking such an extreme step of committing suicide on the said fateful day, attributing them for the commission of offence under Section 306 of IPC.

- 13.** Consequently, the appeal, being devoid of merit, is dismissed.

Sd/-
(Sanjay S. Agrawal)
JUDGE

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