



2026:CGHC:3427

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****ACQA No. 370 of 2025**

1 - Lata Dubey W/o Vikas Dubey Aged About 50 Years R/o Village Risda, P.S. - City Kotwali Balodabazar, District- Balodabazar-Bhatapara C.G.

... appellant (s)**versus**

1 - State Of Chhattisgarh Through The Station House Officer, Police Station- City Kotwali, District- Balodabazar-Bhatapara C.G.

2 - Mantora Bai Sahu W/o Duklha Ram Sahu Aged About 38 Years R/o Village Risda, P.S. - City Kotwali Balodabazar, District- Balodabazar-Bhatapara C.G.

... Respondent(s)

For appellant (s) : Mr. Siddhant Tiwari, Advocate

For Respondent(s) : Ms. Isha Jajodiya, Panel Lawyer

S.B. Hon'ble Shri Ravindra Kumar Agrawal, Judge**Order on Board****20.01.2026**

1. Heard on admission.
2. The present acquittal appeal has been filed by the appellant who is the mother of the deceased, against the impugned judgment of acquittal dated 16.07.2025 passed by learned 1st Addl. Sessions Judge, Balodabazar, in Sessions Case No. 31/2025, whereby the respondent

No. 2/ accused has been acquitted from the offence under Section 306 of IPC.

3. The case of the prosecution is that on 09.09.2023, the son of the present appellant namely Amarnath Dubey, consumed poison. He was admitted to the hospital where he died on 14.09.2025 during treatment. Murg was intimated to the Police and dead body was sent for its post mortem. After the post mortem report and recording of the statement of the witnesses, FIR (Ex-P/9) was registered against the respondent/ accused. After due process of investigation, charge-sheet was filed before the learned Judicial Magistrate, First Class, Balodabazar from where the case was committed to the learned trial Court for its trial.
4. The learned trial Court has framed charge under Section 306 of IPC against the respondent/ accused and he denied the charge.
5. The prosecution has examined as many as 8 witnesses in support of their case. The Statement under Section 313 of Cr.P.C. of respondent No. 2/ accused was also recorded, in which he denied the circumstances appears against him and plead innocence.
6. After appreciation of evidence led by the prosecution, the learned trial Court has acquitted the respondent no. 2/ accused from the alleged offence and holding that the prosecution has failed to prove that the accused/ respondent No. 2 has abated or instigated the deceased to commit suicide and there is no sufficient evidence for that. The said judgment of acquittal is under challenge in the present acquittal appeal.
7. Learned counsel for the appellant would submit that there was a business transaction between the deceased and the respondent accused and the respondent no. 2/ accused was paid the huge amount to the deceased for which the deceased was under extreme pressure

as he has to repay the amount of the small farmers from whom he purchased vegetables in course of his vegetables business.

8. The PW/1, mother of the deceased and PW/2, brother of the deceased have clearly stated in their evidence that when the deceased was under treatment, he made oral dying declaration before them that he consumed poison due to harassment of the respondent no. 2/ accused and her children. There is sufficient evidence against the respondent no. 2/ accused that she abetted the deceased to commit suicide and her act is sufficient to instigate the deceased to commit suicide. She and her children have regularly pressurized the deceased that they will rope him in false case and get him defamed in the village and regularly demanded money from him, yet the learned trial Court has not considered it to be sufficient to hold that the respondent no. 2/ accused is guilty for the offence of abetment to commit suicide and has acquitted the accused from the alleged offence. There is ample evidence against the respondent No. 2/ accused to convict her in the alleged offence and therefore, the impugned judgment of acquittal is liable to be set aside and the respondent no. 2/ accused may be convicted.
9. I have heard learned counsel for the appellant and perused the record of the trial Court.
10. From perusal of the impugned judgment passed by learned trial Court, it transpires that the prosecution has mainly relied upon the evidence of two witnesses, PW-1, Smt. Lata Dubey and PW-2, Vivek Kumar Dubey, who are the mother and brother of the deceased. They stated in their evidence that the deceased was being harassed by the respondent no. 2/ accused as they were not being given the consideration of

the vegetables which they had purchased from the shop of the deceased. When the deceased asked them to pay the consideration of vegetables, they threatened him that he would be roped in any false case and get him defame in the village, for that reason, the deceased stopped selling vegetables and ultimately on 09.09.2023, he consumed poison and made an oral dying declaration that due to harassment of the accused, he consumed poison. There is no any specific verdict by these witnesses against the respondent/ accused with respect to any act of harassment or any incident of abatement to commit suicide. A general and omnibus allegation have been made by them that deceased was being harassed by the accused persons with respect to the sale consideration of vegetables from the shop of the deceased. The learned trial Court has considered the ingredients of Section 107 and 306 of IPC and after relying upon the judgment of Narayan Dewangan Vs. State of M.P. (now Chhattisgarh) reported in 2018 Criminal Law General 1201, considered it not to be the sufficient evidence for convicting the respondent/ accused for the alleged offence under Section 306 of IPC and has acquitted from the charge.

11. From consideration of the entire material as well as evidence available on record, this Court does not find any sufficient material which makes the respondent/ accused liable to convict her for the offence of Section 306 of IPC, to commit suicide or instigated the deceased to commit suicide. The judgment passed by learned trial Court is appears to be well reasoned and based on the law settled by the Hon'ble Supreme Court with respect of the offence under Section 306 of IPC.
12. Recently, applying the law governing the scope of interference in an appeal acquittal, the Hon'ble Supreme Court in the case of

“State of Rajasthan Vs. Kistoor Ram” reported in **2022 SCC OnLine SC 984**, has held as follows:-

“8. The scope of interference in an appeal against acquittal is very limited. Unless it is found that the view taken by the Court is impossible or perverse, it is not permissible to interfere with the finding of acquittal. Equally if two views are possible, it is not permissible to set aside an order of acquittal, merely because the Appellate Court finds the way of conviction to be more probable. The interference would be warranted only if the view taken is not possible at all.”

13. The Hon’ble Supreme Court in the matter of **Jafarudheen and Ors Vs. State of Kerala, (2022) 8 SCC 440**, has considered the scope of interference in appeal against acquittal in judgment at Para 25 which reads as under:

“25. While dealing with an appeal against acquittal by invoking Section 378 Cr.P.C. the appellate court has to consider whether the trial court’s view can be termed as a possible one, particularly when evidence on record has been analysed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the appellate court has to be relatively slow in reversing the order of the trial court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such as double presumption that ensures in favour of the accused has to be

disturbed only by thorough scrutiny on the accepted legal parameters.”

14. After considering the material available on record, as well as the elaborate judgment passed by the trial Court and being very much conscious about the legal position as held by Hon'ble Supreme Court in cases of **Kistoora Ram** (supra), and **Jafarudheen** (supra), in an appeal against the acquittal, if two views are possible on the basis of evidence led by the prosecution, and the trial Court taking one view, revert the accused, the version of the finding of acquittal by the appellate Court taking the other possible view for consideration, is not permissible in the law. This Court, therefore, of the considered opinion that the judgment impugned, acquitting the accused respondents, is just and proper and does not call for any interference.
15. Accordingly, appeal filed by the complainant and the State, against the accused respondents is hereby dismissed.
16. Record of the trial court along with copy of this judgment be sent back to the trial Court concerned.

Sd/-
(Ravindra Kumar Agrawal)
Judge