

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.1314 of 2004

[Against the Judgment of conviction dated 27.07.2004 and Order of sentence dated 29.07.2004, passed by the learned 1st Additional Sessions Judge, Jamshedpur, in Sessions Trial No.323 of 2001 (Arising out of Golmuri P.S. Case No.68 of 2000, corresponding to G.R No.656 of 2000)]

1. Kitti Raju Kalindi son of Late Rameshwar Kalindi resident of Tuila Dungari, Police Station - Golmuri, District - Singhbhum (East).
2. Ram Prasad Son of Late Ramdeo Thathera Resident of Kanchan Nagar, Police Station - Burmamines, Town - Jamshedpur, District - Singhbhum (East).

..... **Appellants**

Versus

The State of Jharkhand

..... **Respondent**

PRESENT

HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. A. K. Chaturvedi, Advocate
For the State : Mrs. Nehala Sharmin, Spl.P.P

Order No.07/ Dated: 11th November, 2025

1. Heard Mr. A. K. Chaturvedi, learned counsel for the appellants and Mrs. Nehala Sharmin, learned Special P.P.
2. The present appeal is directed against the Judgment of conviction dated 27.07.2004 and order of sentence dated 29.07.2004, passed by learned 1st Additional Sessions Judge, Jamshedpur, in Sessions Trial No.323 of 2001, arising out of Golmuri P.S. Case No.68 of 2000 (G.R. No.656 of 2000), whereby the appellants have been convicted for the offence under Section 306 of the Indian Penal Code (IPC) and have been directed to undergo rigorous imprisonment for four years.
3. The criminal law has been put into motion by lodging an

F.I.R being Golmuri P.S. Case No.68 of 2000 against three persons including the appellants under Section 306 I.P.C. The F.I.R has been lodged on the *fardbeyan* of informant namely, Raju Kalindi (P.W.-7).

The brief facts of the case, as stated in the F.I.R., is that on the eve of Holi festival there was some quarrel between the informant and Savitri Devi and his son namely, Kitti Raju and for this also, there was some altercation between them. The information was given to the police station and the police brought both the parties at the police station and they were released after conciliation. Thereafter, Savitri Devi, her son Kitti Raju Kalindi and Ram Prasad tortured the informant (P.W.-7) and his mother Bhanu Kalindi as a result of which his mother Bhanu Kalindi, remained disturbed both physically and mentally. It is alleged that torture meted out to his mother Bhanu Kalindi to such a extent that on 22.04.2000 at about 6:00 p.m., she committed suicide, by tying her *saree* on her neck. She was taken to Sakchi Hospital where she was declared dead by the doctor.

4. On the basis of the said *fardbeyan*, the police, after investigation, has submitted charge-sheet against three accused persons, for the offence under Section 306 I.P.C. Upon which cognizance has been taken and charge has been framed under the aforesaid Section and the case has been committed to the court of Sessions to which the appellants have pleaded innocence and claimed to be tried. During pendency of the trial, one of the accused namely, Savitri Devi died and as such only present two appellants have faced the

trial.

5. To substantiate the prosecution story, altogether seven witnesses have been examined.

6. P.W.-1, Budh Raj Samad, has stated that Bhanu Kalindi has committed suicide on 22.04.2000. In cross-examination, he has stated that he cannot say what was the reason behind the quarrel. He has also stated that he cannot say that who informed him that the deceased has committed suicide.

7. P.W.-2, Shital Kalindi, is the daughter of the deceased and she has stated that after 5-6 days of the quarrel, her mother has committed suicide. She has stated that she does not know the reason behind the quarrel and the quarrel has not been taken place in her presence.

8. P.W.-3, Jiramani Kandolna, has identified the accused in the court. In her cross-examination, she has stated that she does not know as to why the deceased hanged herself.

9. P.W.-4, Srimati Nayak, in her cross-examination has stated that she does not know anything about the occurrence.

10. P.W.-5, Dr. Lalan Chaudhary, is the doctor who has conducted *post-mortem* over the dead body of the deceased. He has stated that the cause of death was asphyxia due to hanging.

11. P.W.-6, Gangi Samad, has stated that she heard about the hanging of Bhanu Kalindi. In her examination in chief, she has stated that she has not seen the occurrence.

12. P.W.-7, Raju Kalindi, has stated that there was a quarrel between the accused and his mother on Holi festival and conciliation has also been done between them. In his cross-

examination, he has admitted that the accused persons are his relatives.

13. The trial Court, after evaluating the evidence and the material available on record, has convicted the present appellants under Section 306 I.P.C by the impugned judgment.

14. Learned counsel for the appellants has raised a point that the basic ingredients of abetment is missing and as such the conviction under Section 306 I.P.C is bad in law. For that purpose, he has referred the Section 107 of I.P.C which defines abetment, which reads as under :-

“107. Abetment of a thing.— A person abets the doing of a thing, who -

*First.— 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.”*

It has been further submitted by the learned counsel for the appellants that it was a simple quarrel between the parties. Neither there was any instigation nor any such circumstances has been created, giving the victim no other option but to commit suicide. These two necessary factors are missing in the allegation itself and in the entire prosecution story, which has been evidenced from the oral evidence of the witnesses. Admittedly, the death of the deceased is homicidal. On the above strength, it has been submitted that the conviction of the present appellants under Section 306 IPC is bad in law.

15. On the other hand, learned Special P.P has supported

the judgment of conviction and it has been submitted that due to the quarrel and creation of circumstances, the deceased was in frustration due to which she has committed suicide.

16. Having heard learned counsel for the parties and on going through the materials available on record, it is evident that there was a quarrel between the parties. Merely because they were in quarreling terms and the peace of the victim was disturbed due to which she has committed suicide, cannot be a ground for conviction. Disturbing the peace or having quarrel, cannot attract Section 306 of I.P.C.

Since the very basic ingredients of Section 306 I.P.C is missing, the trial court has committed an error in convicting the appellants for the offence under Section 306 I.P.C.

17. In view of above discussion, the judgment of conviction dated 27.07.2004 and the order of sentence dated 29.07.2004, passed by learned 1st Additional Sessions Judge, Jamshedpur, in Sessions Trial No.323 of 2001, arising out of Golmuri P.S. Case No.68 of 2000 (G.R. No.656 of 2000) is, hereby, set aside.

18. In the result, the appeal stands allowed.

19. Since appellants are on bail, hence, they are discharged from the liability of bail bond.

20. Let the Trial Court Records be sent back to the Court concerned forthwith, along with the copy of this Judgment.

(Rajesh Kumar, J.)