

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 1733-1734 OF 2014  
(ARISING OUT OF SLP(CRL.) NOS.2395-2396/2014)

SUNITA BAI

APPELLANT(S)

VERSUS

DAYARAM & ORS.

RESPONDENT(S)

O R D E R

Heard counsel for the appellant.  
Leave granted.

On 7.3.2014, notice was issued in these appeals to the respondents-accused. Office report discloses that though the notices were duly served and the acknowledgment got signed by the respondents have been received back and none appeared or has entered appearance on their behalf. We, therefore, proceed to dispose of these appeals.

By the orders impugned in these appeals, the High Court by stating that none of the accused had any relationship with the deceased in order to invoke Section 113-A of the Evidence Act allowed the Revision Petitions in Criminal Revision Nos.305/13 and 484/13 by orders dated 13.3.2013 and 3.4.2013

Signature Not Verified

respectively. When we perused the complaint as well

Digitally signed by  
Narendra Prasad  
Date: 2014.08.21  
12:23:52 IST  
Reason:

as the order of the Trial Court, we find that the charge was laid against the respondents for offence

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under Section 306 IPC.

The genesis of the case was that the respondents-accused are grand-father and paternal uncle of the deceased. The father of the deceased,

is none other than the son of the accused in Criminal Revision No.305/13 and brother of the accused in Criminal Revision No.484/13. The allegation in the

complaint was that the deceased approached the accused prior to the date of the alleged suicide, namely, 11.12.2002. On 7.12.2012 the deceased met

his grand-father and paternal uncle and asked for share in the wheat crop, which was denied and that apart, it was alleged that the accused chased him away suggesting "you always remain hungry, why you don't kill yourself or otherwise you will be done to death. You forget this land and house."

It was

based on the above allegations in the complaint and charge was laid before the Trial Court and the accused were proceeded against for offence under Section 306 IPC. When we consider the above factors,

we fail to understand as to how the High Court proceeded to state that since, because the relationship of the accused vis-a-vis the deceased did not attract invocation of Section 113A, the proceedings against the accused cannot be allowed to stand. Having regard to the specific charge, namely, 306 IPC alleged against the accused and the nature of allegations raised in the complaint, we are of the view that the charges could not have been quashed, as has been done by the High Court. The order impugned is set aside. The case is restored to its file and the Trial Court shall proceed with the case, in accordance with law.

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With the above observations and directions, the appeals stand disposed of.

.....J.  
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J.  
[SHIVA KIRTI SINGH]

NEW DELHI;  
AUGUST 14, 2014

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ITEM NO.45

COURT NO.10

SECTION IIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).2395-2396/2014

(Arising out of impugned final judgment and order dated 13/03/2013 in CRLR No. 305/2013,03/04/2013 in CRLR No. 484/2013 passed by the High Court of M.P at Jabalpur)

SUNITA BAI

Petitioner(s)

VERSUS

DAYARAM & ORS.

Respondent(s)

(with appln. (s) for stay and office report)

Date : 14/08/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. Kunal Verma,Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.  
The appeals are disposed of in terms of the signed order.

(NARENDRA PRASAD)  
COURT MASTER

(SHARDA KAPOOR)  
COURT MASTER

(Signed order is placed on the file)