

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**  
**CRIMINAL APPEAL No.650 OF 2016**

**JUDGMENT:**

This Criminal Appeal, under Section 372 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C."), is filed by the *de facto* complainant against the judgment, dated 11.3.2016, in Sessions Case No.234 of 2013 on the file of the Assistant Sessions Judge, Hindupur, Ananthapur District whereunder and whereby, respondent No.2/accused was found not guilty of the offence punishable under Section 306 I.P.C. and acquitted for the said charge under Section 235(1) Cr.P.C.

2. Case of the prosecution, in brief, is as follows:

The accused and one Ramanjinamma, hereinafter referred to as the deceased, got acquaintance with each other while studying in Ananthapur in the year 2005 and fell in love with each other. The deceased was working as a Teacher at Mangalakera Village near Puttaparthi own from 2009 to 2011. During that time, the deceased used to give her earnings to the accused for his expenses and fees. The accused promised to marry the deceased, moved with her very closely and later on, married another woman by name Jyothi Lakshmi by refusing to marry the deceased. The accused wantonly refused to marry her, cheated her and when she demanded him to marry her, he abetted her to die and because of the cheating and abetment committed by the accused, the deceased vexed with her life, poured kerosene on herself, set fire to herself and committed suicide. After completion of investigation, police filed charge sheet for the offence under Section 306 I.P.C.

3. The trial Court framed charge for the offence under Section 306

I.P.C. against the accused.

4. When the above charge was read over and explained to the accused in Telugu, he pleaded not guilty and claimed to be tried.

5. To substantiate the charges, the prosecution examined P.Ws.1 to 8 and got marked Exs.P-1 to P-11 besides case property - M.O.1.

6. After closure of the prosecution evidence, the accused was examined under Section 313 Cr.P.C. with reference to the incriminating circumstances appearing against him in the evidence of prosecution witnesses. On behalf of the accused, D.W.1 was examined and no documents were marked.

7. The learned trial Judge, basing on the evidence adduced and after elaborate discussion, found the accused not guilty for the offence under Section 306 I.P.C. and accordingly, acquitted him. Challenging the same, the *de facto* complainant filed the present appeal.

8. Heard and perused the material available on record.

9. The trial Court acquitted the accused mainly relying on the decision rendered by the Apex Court, which is squarely applicable to the facts and circumstances of the case, wherein it is held as under:

“In a decision reported in **(2008) 0 Supreme AP 908** relied upon by the learned counsel for the accused rendered between **M.Ramsh and others v. State of A.P.**, wherein it is categorically held in para Nos.17, 18 and 27 that:

*“Refusal to marry, if can be said ultimately make the other persons to commit suicide then it can definitely be said that the person who refuses to marry has intentionally aided. But, that is not so. If a person refuses to marry another, the result would naturally be either to ignore, report the matter to elders or police, suffer silently or take the extreme step of committing suicide, as happened in this case. As stated supra, if the eventuality of refusal is to take the extreme step*

*of committing suicide alone, then it can be said that it is intentional aiding.*

*The cause for the deceased to take the extreme step of committing suicide is the refusal by A1 to marry. The act on account of refusal is the suicide by the deceased. Thus, there is a cause and an act. If it can be said that cause is the end result of the death suicide, then it can definitely be said that it is intentionally aiding. To establish that result of refusal is suicide, the proximity between the cause and the act must be clearly established.*

*In the light of the above discussion, this Court is of the view that the contention of the learned Additional Public Prosecutor that refusal amounts to intentional aiding cannot be accepted and the accused cannot be held to be guilty of the offence under Section 306 I.P.C.”*

In another decision relied upon by the learned counsel for the accused reported in **(2014) 1 ALT (Cri) 354 (Pulagam Srinivas Reddy v. State of A.P.)** wherein it is held that:

*“Insofar as the offence under Section 306 IPC is concerned the death should be unnatural and it should be the result of inducement by a person. Further, it should be on record that the deceased has no other alternative except to commit suicide. There should be material evidence, which suggests about the active role, which may be said to have aided in commission of act of suicide. In the instant case, none of the ingredients to attract the offence under Section 306 IPC are proved by the prosecution.”*

In another decision relied upon by the learned counsel for the accused reported in **(2002) 0 Supreme (SC) 596 (Sanju @ Sanjay Singh Sengar vs. State of M.P.)** it is held that:

*“Indian Penal Code, 1860 – Section 306 and 307 – offence of abetment to commit suicide – suicide committed by brother-in-law (Jija) of appellant on 27.7.1988 by hanging for quarrel of 25.7.88 with appellant in which appellant is alleged to have said him “to go and die” – Whether these words were in fact uttered by appellant? (doubtful) – Assuming they were uttered, whether it amounted to ingredient of mens-rea*

*“instigation” to commit suicide? (No) – Case law referred – Both the Courts below erroneously accepted prosecution story to frame charge against appellant under Section 306 read with 107 IPC.”*

10. Upon reading of the above judgments, it is clear that the trial Court rightly acquitted the accused and hence, the impugned judgment warrants no interference of this Court. Further, in a case of acquittal, if the trial Court consists of two views and basing on one of the views, which is in favour of the accused, acquits the accused, normally, the appellate Court will not interfere with the judgment of the trial Court unless and otherwise, the evidence adduced by the prosecution clings towards the guilt of the accused. In the present case, the learned trial Judge has considered all aspects more particularly, the ingredients of Section 306 I.P.C., while admitting that the entire case of the prosecution has been made out, and acquitted the accused. Hence, this Court is not inclined to interfere with the order of acquittal of the trial Court and the appeal fails and is liable to be dismissed.

11. Accordingly, this Criminal Appeal is dismissed confirming the judgment, dated 11.3.2016, in Sessions Case No.234 of 2013 on the file of the Assistant Sessions Judge, Hindupur.

12. Miscellaneous petitions pending, if any, in this Criminal Appeal shall stand closed.

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**JUSTICE RAJA ELANGO**

25.7.2016  
AMD

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**



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