

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

Criminal Appeal No.63 OF 2022

Between:

1. Chanduvu Chandrak

2. Chanduvu Venkatamma

And

... Appellants/A1 & A2

The State of Telangana,
Rep. by its Public Prosecutor ,
High Court for the State of Telangana,
Hyderabad.

...Respondent

DATE OF JUDGMENT PRONOUNCED : 02.11.2023

Submitted for approval.

THE HON'BLE SRI JUSTICE K.SURENDER

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3 | Whether Their Ladyship/Lordship Wish to see their fair copy of the Judgment? | Yes/No |

K.SURENDER, J

*** THE HON'BLE SRI JUSTICE K. SURENDER**

+ CRL.A. No. 63 of 2022

% Dated 02.11.2023

1. Chanduvu Chandrakala

2. Chanduvu Venkatamma

... Appellants/A1 & A2

And

\$ The State of Telangana,
Rep. by its Public Prosecutor ,
High Court for the State of Telangana,
Hyderabad.

...Respondent

! Counsel for the Appellants: Sri K.Ravikanth

^ Counsel for the Respondents: Sri Sudershan,
Assistant Public Prosecutor

>HEAD NOTE:

? Cases referred

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL APPEAL No.63 of 2022****JUDGMENT:**

This Criminal Appeal is filed by the Appellants/A1 & A2 aggrieved by the conviction recorded by the VIII Additional Assistant Sessions Judge, Ranga Reddy District, in S.C.No.647 of 2015 dt.14.02.2022, convicting the accused for the offence punishable under Sections 306 of the Indian Penal Code and sentencing them to undergo rigorous imprisonment for a period of five years each and to pay a fine of Rs.500/-each.

2. Heard.

3. The case of the prosecution is that on 01.11.2014 in the morning hours there was a fight between these petitioners and the deceased. These petitioners allegedly abused the deceased in filthy language stating that she was having affairs with others. According to the Dying Declaration, the deceased questioned the accused as to why they were speaking bad about her that she was having illicit affair. Then the appellants allegedly abused her stating that she was having affair with two persons. For the said reason of stating so, the deceased poured Kerosene on herself and set herself ablaze.

4. On the basis of the Dying Declaration and the complaint, the Police registered the FIR, investigated the case and filed charge sheet against these petitioners for the offence under Section 306 of the Indian Penal Code, for abetting suicide.

5. Learned Counsel appearing for the appellants would submit that a solitary incident is narrated by the prosecution witnesses that occurred on 01.11.2014, on which date the appellants allegedly abused her stating that she was having affair with someone. A Solitary incident of abusing does not amount to abetment to commit suicide. The requirement under Section 306 of the Indian Penal Code is to provoke or encourage the act of committing suicide. The ingredients are lacking, for which reason, the appeal has to be allowed.

6. On the other hand, learned Additional Public Prosecutor would submit that according to the Dying Declaration, these appellants were responsible for abusing the deceased attributing illegal intimacy with others. In the said circumstances, the deceased had burned herself unable to bear the insult of the appellants. The finding of the learned Sessions Judge cannot be interfered with for the said reason.

7. The essential ingredients of Section 306 of the Indian Penal Code are to abet intentionally to aid or instigate commission of suicide by the person. Insulting a person by using abusive language will not by itself constitute abetment of suicide unless such acts suggest that the accused instigated the deceased to commit suicide by incitement or such circumstances whereby the deceased was compelled to commit suicide.

8. Any words uttered during an altercation or in a fit of anger against a person though insulting, will not amount to abetting such person to commit suicide. There is no element of provocation or encouraging the deceased to commit suicide when insulting words are used in the present case. According to the Dying Declaration the deceased questioned these appellants as to why they were saying that she was having an illicit intimacy and then the appellants allegedly abused her saying that she was having illicit intimacy with more than one person.

9. The essential ingredients of Section 306 of the Indian Penal Code which are instigation or provoking or inciting or encouraging a person to do such act are lacking. In the said circumstances, this Court deems it appropriate to set aside the finding of the trial Court in convicting the appellants.

10. Accordingly, the Criminal Appeal is allowed and the conviction recorded by the VIII Additional Assistant Sessions Judge, Ranga Reddy District, in S.C.No.647 of 2015 dt.14.02.2022, against the appellants, is hereby set aside. The appellants are on bail and their bail bonds shall stand discharged.

Miscellaneous applications pending, if any, shall stand closed.

Date: 02.11.2023
tk

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL No.63 of 2022

Dt. 02.11.2023

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