

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL APPEAL Nos.534 OF 2023 AND 535 OF 2023

COMMON JUDGMENT:

These Criminal Appeals are filed against the judgment dated 22.03.2011 passed in S.C.No.125 of 2009 by the learned Assistant Sessions Judge, Sathupalli.

2. Since both the Criminal Appeals are arising out of S.C.No.125 of 2009, both the appeals are heard together and disposed of by way of this common judgment. Criminal Appeal No.8810 of 2012 is preferred by State and Criminal Appeal No.17660 of 2011 is filed by the *de facto* complainant – PW1.

3. Heard. Perused the record.

4. The facts of the case in brief are that PW1 is the father-in-law of respondent – accused and father of deceased. The accused was doing business by taking money from private money lenders and on several occasions, he has taken money from PW1 and he became due of Rs.2,50,000/-. Two days prior to her death, deceased enquired the accused as to the due payable by accused to others and accused told that it was Rs.2,50,000/-, but the enquiry of PW1 revealed that it was Rs.6,00,000/-. The deceased raised an

objection for the accused going out of the house without paying the debtors, but the accused pushed the deceased aside and beat her and told that the problem would be solved on the death of the deceased and uttering the same he left the house. On the next day morning at about 08.00 a.m., the deceased committed suicide by hanging in her bedroom. On the basis of complaint filed by PW1, police registered a crime and a charge sheet was filed for the offences punishable under Sections 498-A and 306 of Indian Penal Code (for short 'IPC') against the respondent - accused.

5. The learned Sessions Judge found that respondent – accused had taken amounts and was due to several debtors. It would not attract the offences punishable under Sections 498-A and 306 of IPC. In fact, there is no allegation of any kind of demand that was made by accused for dowry or abetting the deceased to commit suicide.

6. The learned Assistant Public Prosecutor appearing on behalf of the State would submit that the presumption under Section 113(a) of IPC is attracted, in the event of commission of suicide by a woman within a period of seven (7) years from the date of her

marriage. The said burden of proving instigation or abetment to commit suicide is proved by the prosecution.

7. To attract an offence punishable under Section 306 of IPC, there has to be instigation and abetment to commit suicide. In the present case, when the accused has pushed the deceased aside and stated that her death would solve the problems, will not in any manner attract any of the ingredients of either Section 498-A of IPC or Section 306 of IPC.

8. In view of the aforesaid circumstances, I find no infirmity with the order dated 22.03.2011 passed by the learned Sessions Judge and the present appeals are liable to be dismissed.

9. Accordingly, both the Criminal Appeals are dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

Date: 03.07.2023
TU/rev

K.SURENDER, J

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