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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 642 of 2021

State Of Chhattisgarh Through Aarkshi Kendra Lalbag Rajnandgaon, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon (CG)

... Applicant.

Versus

Ravi Kumar Sahu S/o Tikaram Sahu Aged About 26 Years R/o Tedhesra, Police Station Somni, Rajnandgaon, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon (CG)

... Respondent.

(cause title downloaded from CIS Periphery)

For Applicant/State	:	Mr. Anish Tiwari, Dy. AG.
For Respondent	:	Mr. Nikhil Wadhwani, Adv on behalf of Mr. Awadh Tripathi, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

26/09/2026

1.
- This Criminal Revision under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 (for short, “the Cr.P.C.”) has been preferred by the applicant/State challenging the order dated 09.02.2021 passed by the learned Sessions Judge, Rajnandgaon in Sessions Case No. 80/2019 (State of C.G. Vs. Ravikumar Sahu), whereby the application preferred by the respondent/accused under Section 227 of the Cr.P.C. has been allowed and he has been discharged from the offence punishable under Section 306 of the Indian Penal Code, 1860 (for short, “the IPC”).

2. The facts of the case, in brief, are that on 03.07.2017, the dead body of deceased Komalchand Sahu was found on the Up Line Railway Track at Pole No. 904/21-23 at Madhya Barga Crossing, within the jurisdiction of Police Station Lalbag, Rajnandgaon. The dead body was noticed by one Harishankar, who informed the police, pursuant to which a Merg report was lodged at Police Station Lalbag, Rajnandgaon. An inquest was conducted and the inquest report was prepared. Thereafter, post-mortem examination of the deceased was conducted, wherein the doctor opined that the cause of death was hemorrhagic shock due to blunt abdominal injuries along with an associated head injury and that the death was unnatural in nature.

Subsequently, during the course of the Merg inquiry and investigation, it was revealed that the deceased Komalchand had committed suicide by jumping in front of a running train near Barga Crossing. It was alleged that the deceased took the extreme step on account of persistent harassment by the respondent/accused. The respondent/accused is the brother of the deceased's wife and, according to the prosecution, he frequently intervened in the matrimonial disputes between the deceased and his wife. It was further alleged that he discouraged his sister from residing with the deceased at her matrimonial home situated at Kanhardabri and pressurized the deceased to shift to Tedesara. It was further alleged that shortly before the incident, i.e., on 03.07.2017, the respondent/accused visited the house of the deceased, threw out the articles received at the time of marriage and pressurized the deceased to shift from the said place. According to the prosecution, the aforesaid conduct and persistent interference caused severe mental harassment and cruelty to the deceased, which ultimately drove him to take his own life.

3. During further investigation, a diary containing an alleged suicide note written by the deceased was seized. In the said note, it was mentioned: “रवि के कारण मर रहा हूँ, उसमें मेरे घर वालों का कोई कसूर नहीं” (I am dying because of Ravi, my family members are not at fault). The said suicide note was sent for examination by the State Examiner. Statements of the witnesses acquainted with the facts of the case were also recorded. Upon completion of the investigation, the prosecution filed a charge-sheet against the respondent/accused for the offence punishable under Section 306 of the IPC before the learned Judicial Magistrate First Class. The learned Magistrate thereafter committed the case to the Court of Sessions for trial.
4. After commencement of the proceedings before the learned Sessions Court, the respondent/accused filed an application under Section 227 of the Cr.P.C. seeking discharge from the offence punishable under Section 306 of the IPC. After hearing learned counsel for the parties and considering the material available on record, the learned Sessions Judge, vide the impugned order dated 09.09.2021, allowed the application and discharged the respondent/accused from the offence punishable under Section 306 of the IPC. Being aggrieved by the aforesaid order of discharge, the State has preferred the present Criminal Revision.
5. Learned counsel for the State/applicant would submit that Fakir Chand Sahu is elder brother of the deceased and Parvati Bai & Janak Lal are the mother and father of the deceased, respectively. Prakash Kumar Verma was the Sarpanch of Village Kanhardabri at the relevant time. They have categorically stated in their statements recorded under Section 161 of the Cr.P.C. that not only the wife of the deceased pressurized him to live separately, but she also pressurized him to shift to Tedesara along with his

brother respondent/accused Ravi Sahu. Learned counsel submits that, during investigation, it was also revealed that the respondent/accused used to pressurize and harass the deceased on the aforesaid ground. It is further submitted that the respondent/accused as well as his sister, i.e., the wife of the deceased, used to threaten the deceased that, if he did not accept their proposal to shift to Tedesara, they would implicate him in a dowry case. These circumstances show that the deceased was under severe mental stress.

It is further submitted that the aforesaid witnesses have also stated that, prior to 03.07.2017, the respondent/accused and his brother had thrown out the domestic articles from the house in order to compel the deceased to shift to Tedesara. However, upon intervention and advice of the family members and the Sarpanch, namely, Prakash Kumar Verma, the accused returned. Further, Bharat Ram Verma and Shaturghn Verma, villagers of Kanhardabri, have also supported the aforesaid fact that the accused and his sister had thrown the articles out of the house in an attempt to compel the deceased to shift to Tedesara. Thus, there is prima facie material to show that the respondent/accused had threatened to implicate the deceased in a dowry case and had harassed him, due to which he took the extreme step. The aforesaid facts are also duly supported by the suicide note written by the deceased. In such circumstances, there is sufficient material on record to frame a charge against the respondent/accused under Section 306 of the IPC. However, the learned Sessions Judge, without properly considering the aforesaid material, has discharged him. Therefore, the impugned order may be set aside, application of the accused under Section 227 Cr.PC may be rejected and the matter may be remitted to the

learned Sessions Court for proceeding against the respondent/accused in accordance with law for the offence punishable under Section 306 of the IPC.

6. Per contra, learned counsel for the respondent/accused submits that, though from the charge-sheet it appears that there was a matrimonial dispute between the deceased and his wife, but the respondent/accused has been implicated without any cogent basis only because respondent was brother of deceased' wife. He further submits that, for framing a charge under Section 306 of the IPC, the prosecution must establish a prima facie case that the deceased committed suicide on account of abetment by the accused. Mere existence of a domestic dispute, particularly between husband and wife, cannot render the respondent/ accused, who is merely the brother of the deceased's wife, liable for the aforesaid offence, particularly when there is no sufficient material against him. It is further submitted that a mere suicide note, by itself, does not establish that the accused harassed the deceased to such an extent that he was driven to take the extreme step, particularly when the alleged dispute arose out of a trivial family issue or allegedly shifting to other place. He also submits that the the impugned order is based on well appreciation of evidence and material available on record, therefore, the same be affirmed and appeal of the State be dismissed.
7. Heard learned counsel for the parties and perused the material available on record.
8. Before examining the material available on record, it would be apposite to refer to the statutory provisions governing the offence alleged against the respondent/accused. Section 306 of the IPC provides for punishment for abetment of suicide and reads as under:

“306. Abetment of suicide.—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

9. The expression “abetment” is defined under Section 107 of the IPC, 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.”

10. Thus, Section 306 of the IPC has to be read conjointly with Section 107 thereof. The statutory scheme requires the existence of an act of instigation, conspiracy or intentional aid, accompanied by the requisite mens rea for abetment of the commission of suicide. It is well settled law that for attracting Section 306 read with Section 107 of the IPC, there must be direct or indirect instigation in close proximity to the commission of suicide and a clear mens rea to abet the commission of suicide.
11. The expression “instigation” has been considered by the Hon'ble Supreme Court in Ude Singh v. State of Haryana, (2019) 17 SCC 301, wherein it has been observed that instigation means to goad, urge forward, provoke, incite or encourage a person to do an act. Though actual words of instigation are not indispensable, a reasonable certainty to incite the consequence must be

capable of being spelt out from the conduct of the accused. The Hon'ble Supreme Court has further observed that, where the acts or omissions or continued course of conduct of the accused create such circumstances that the deceased is left with no other option except to commit suicide, instigation may be inferred.

12. In **Prakash & Ors. v. State of Maharashtra & Anr., (2026) 6 SCC 251**, the Hon'ble Supreme Court has reiterated that Section 306 of the IPC has two basic ingredients, namely, the commission of suicide and abetment thereof by another person. It has been held that, in order to sustain an accusation under Section 306 of the IPC, it must necessarily be shown that the accused contributed to the suicide by some direct or indirect act satisfying one of the three conditions enumerated under Section 107 of the IPC. It has further been emphasized that the act of instigation or incitement must be in close proximity to the commission of suicide, disclose clear mens rea to abet the commission of suicide and **place the victim in such a position that he/she would have no other option but to commit suicide.**
13. Further, in **Pawan Kumar v. State of H.P., (2017) 7 SCC 780**, the Hon'ble Supreme Court has held that a mere allegation of harassment, without any positive action in proximity to the time of occurrence on the part of the accused which led the person to commit suicide, would not be sufficient to sustain a conviction under Section 306 of the IPC. **It has further been held that a casual remark likely to cause harassment in the ordinary course, or a mere reprimand or a word uttered in a fit of anger, would not by itself amount to instigation. There has to be positive action which creates a situation for the victim to put an end to his or her life.**

14. Recently, in **Abhinav Mohan Delkar v. State of Maharashtra & Ors., (2026) 6 SCC 233**, the Hon'ble Supreme Court has explained that even where there is an allegation of constant harassment continuing over a period of time, the ingredients of Section 306 read with Section 107 of the IPC would not be attracted unless there is a proximate prior act from which it can clearly be found that the suicide was the direct consequence of such continuous harassment. **The Court has observed that the last proximate incident must be such as to have finally driven the deceased to take the extreme step.** It has further been held that mere continuous harassment followed by suicide cannot, by itself, result in a finding of positive instigation, and mens rea cannot be inferred merely from what was going on in the mind of the victim.

It has been categorically held that harsh or severe the harassment may be, unless there is a conscious and deliberate intention, i.e., mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306 of the IPC.

15. The aforesaid principles have been very recently reiterated by the Hon'ble Supreme Court in **Vinod Shivakumar v. State of Maharashtra, 2026 SCC OnLine SC 1583 : 2026 INSC 867**, decided on 14.08.2026, wherein the Hon'ble Supreme Court was considering an appeal arising out of an order refusing discharge under Section 227 of the Cr.P.C. in respect of an offence punishable under Section 306 of the IPC. While examining the scope of Sections 306 and 107 of the IPC, the Hon'ble Supreme Court held that the prosecution must disclose a direct or indirect act of instigation in close proximity to the commission of suicide and the requisite mens rea on the part of the accused.

16. The Hon'ble Supreme Court, in the above case, after considering the allegations of harassment and the suicide notes relied upon by the prosecution, observed that the material must disclose an overt act of instigation, goading or intentional aid having a proximate nexus with the suicide. The Hon'ble Supreme Court at Para 14 observed as under:

“...there must be a direct or indirect act of instigation, in close proximity to the commission of suicide, coupled with a clear mens rea to abet the commission of suicide.”

17. After considering the principles as mentioned in preceding paragraphs, the Hon'ble Supreme Court reached to the conclusion that ingredients of Section 306 are absent in the said case and held at Para 25 and 26 as under:-

"25. We further find that the prosecution has failed to prima facie establish that the Appellant had any intention to instigate, aid or abet the deceased to commit suicide. The suicide notes undoubtedly reflect the anguish of the deceased, however, they do not disclose any act on the part of the Appellant from which the requisite mens rea can reasonably be inferred. There is also no material to suggest that the Appellant, by his words or conduct, intended to push the deceased into such a position that she was left with no reasonable alternative except to take her own life. No doubt, a young Range Forest Officer lost her life in an unfortunate incident. However, criminal liability under Section 306 IPC cannot rest upon the tragedy of the outcome alone; it must be founded upon the statutory ingredients of Section 306, which are absent in the present case.

26. We are, therefore, satisfied that even if the entire prosecution material is accepted at its face value, the ingredients of the offence punishable under Section 306 IPC are not made out. The continuation of the criminal

proceedings against the Appellant would, in the facts and circumstances of the present case, amount to an abuse of the process of law."

18. Reverting to the present case, perusal of the statements of the deceased's brother, namely, Fakir Chand Sahu, mother, namely, Parvati Bai, father, namely, Janak Lal Sahu, and Prakash Kumar Verma, the Sarpanch of Village Kanhardabri, recorded under Section 161 of the Cr.P.C., reveals that the wife of the deceased was allegedly pressurizing him to live separately from his family and to reside at Tedesara along with her brother, namely, Ravi Sahu, the respondent herein. It has also been alleged that the respondent/accused was pressurizing the deceased for the same reason. It is further alleged that, prior to 03.07.2017, certain household articles were thrown out of the deceased's house by his wife and her brother. Though this fact is stated to have been supported by other villagers, but the statements do not disclose when the alleged incident of throwing out the household articles actually took place. In this regard, the statements of the witnesses lack clarity.
19. Applying the aforesaid principles laid down by the Hon'ble Supreme Court to the facts of the present case, this Court finds that the main allegation against the respondent/accused is that he, along with his sister, i.e., the wife of the deceased, was pressurizing the deceased to live separately from his family and to shift to Tedesara. The statements of Fakir Chand Sahu, Parvati Bai, Janak Lal Sahu and Prakash Kumar Verma, recorded under Section 161 of the Cr.P.C., substantially relate to the aforesaid matrimonial and family dispute. However, the statements do not disclose any specific act of the respondent/accused, committed immediately prior to the suicide, which can reasonably be said to have instigated or provoked the deceased to take the extreme step.

20. It is true that the prosecution witnesses have stated that the respondent/accused and his sister had allegedly thrown household articles out of the house of the deceased. The statements of Bharat Ram Verma and Shaturghn Verma have also been relied upon by the prosecution in support of the said allegation. However, as noticed hereinabove, the statements do not clearly disclose the exact date or time when such incident took place. There is thus no clear and specific material establishing that the said incident occurred immediately before the deceased committed suicide or that it constituted the proximate cause which drove him to take the extreme step.
21. The allegation regarding the threat to implicate the deceased in a dowry case also requires consideration in the same context. Even assuming the said allegation to be correct for the purpose of considering the material at this stage, there is no specific material demonstrating that such threat was accompanied by an intention on the part of the respondent/accused to drive the deceased to commit suicide. The prosecution material does not disclose any subsequent or proximate act from which such intention can reasonably be inferred.
22. So far as the suicide note is concerned, the same undoubtedly contains the statement, “रवि के कारण मर रहा हूँ, उसमें मेरे घर वालों का कोई कसूर नहीं”, attributing the death to Ravi. The said statement cannot be completely ignored. At the same time, the mere reference to the name of the respondent/accused in the suicide note, by itself, cannot dispense with the statutory requirement of establishing abetment as contemplated under Section 107 of the IPC. The suicide note has to be considered along with the surrounding circumstances and the other material collected during investigation. The question remains whether the material discloses any conscious and deliberate act of the

respondent/accused, in close proximity to the suicide, intended to drive the deceased to take his own life.

23. In case of **Madan Mohan Singh v. State of Gujarat & Anr., (2010) 8 SCC 628,** the Supreme Court has also considered the evidentiary significance of a suicide note. In that case, despite an allegation in the suicide note that the accused had driven the deceased to the extent of committing suicide, the Supreme Court found that there was nothing in the suicide note or the FIR which could constitute an offence under Section 306 of the IPC. It was emphasized that specific abetment, as contemplated by Section 107 of the IPC, coupled with an intention on the part of the accused to bring about the suicide, is necessary.
24. Applying the above principles to the facts and circumstances of the present case, this Court is of the view that the requisite intention on the part of the respondent/accused to aid, instigate or abet the deceased to commit suicide, which is an essential ingredient of the offence, is not made out. Thus, prima facie, the suicide note allegedly written by the deceased, by itself, cannot form the basis for framing a charge against the accused.
25. As regards re-consideration of an application under Section 227 of the Code of Criminal Procedure, 1973, if the material on record, even when taken at its face value, does not disclose the essential ingredients of the alleged offence, as discussed hereinabove, therefore, the criminal proceedings cannot be continued merely on account of the consequences arising from the suicide.
26. Having considered the material on record, it is apparent that prosecution's evidence prima facie discloses a matrimonial dispute and disagreement regarding the place of residence of the deceased and his wife. The alleged

intervention of the respondent/ accused in the matrimonial affairs of his sister and the deceased, even if taken at its face value, does not, without further material, establish the requisite ingredients of instigation, intentional aid or conspiracy contemplated under Section 107 of the IPC.

27. In view of the aforesaid discussion and in light of law laid by the Hon'ble Supreme Court in **Vinod Shivakumar (Supra)**, this Court is of the considered view that the material available on record does not disclose sufficient ground to proceed against the respondent/accused for the offence punishable under Section 306 of the IPC. The allegations, even if taken at their face value, essentially arise out of matrimonial discord and family differences and do not disclose the necessary proximate act of instigation or intentional aid coupled with the requisite mens rea to drive the deceased to commit suicide.
28. Consequently, the learned Sessions Judge has committed no error in allowing the application preferred by the respondent/accused under Section 227 of the Cr.P.C. and discharging him from the offence punishable under Section 306 of the IPC. The impugned order dated 09.09.2021 does not call for any interference by this Court in exercise of its revisional jurisdiction.
29. Accordingly, the present Criminal Revision preferred by the State is **dismissed**. The order dated 09.09.2021 passed by the learned Sessions Judge, Rajnandgaon in Sessions Case No. 80/2019 (State of C.G. Vs. Ravikumar Sahu), whereby the respondent/accused has been discharged from the offence punishable under Section 306 of the IPC, is hereby affirmed.
30. Pending application, if any, shall also stand disposed of.

Ajay

Sd/-
(Naresh Kumar Chandravanshi)
Judge