



2026:CGHC:14138
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1597 of 2016

- Golu Sahu @ Manoj Sahu S/o Shri Kalyan Sahu Aged About 26 Years R/o Pandri Tarai, Raipur, District Raipur, Chhattisgarh., Chhattisgarh

--- **Appellant(s)**

versus

- State Of Chhattisgarh Through Incharge Of Police Station Devendra Nagar, Raipur, District Raipur, Chhattisgarh., Chhattisgarh

--- **Respondent(s)**

CRA No. 281 of 2017

1. Ravi Yadav @ Khiladi S/o Shri Hemaram Yadav, Aged About 28 Years R/o Pandri, Tarai, District Raipur, Chhattisgarh., Chhattisgarh
2. Chini @ Manoj Yadav, S/o Nohar Lal Yadav, Aged About 30 Years R/o Nehru Nagar, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---**Appellant(s)**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Devendra Nagar, District Raipur, Chhattisgarh., Chhattisgarh

--- **Respondent(s)**

CRA No. 117 of 2017

- Keshav Baghel S/o Manohar Baghel, Aged About 40 Years R/o Pandri, Raipur, Civil And Revenue District Raipur, Chhattisgarh., Chhattisgarh

---**Appellant(s)**

**Versus**

- State Of Chhattisgarh Through The Police Station Devendra Nagar, Raipur, District Raipur, Chhattisgarh., Chhattisgarh

--- Respondent(s)

CRA No. 1621 of 2016

- Sanjay @ Sanju Bangali S/o Late Sarad Gain, Aged About 42 Years R/o Pandri Tarai, Raipur, District Raipur, Chhattisgarh., Chhattisgarh

---Appellant(s)

Versus

- State Of Chhattisgarh Through Police Station Devendra Nagar, District Raipur, Chhattisgarh., Chhattisgarh

--- Respondent(s)

CRA No. 1620 of 2016

- Nand Kumar @ Bandhu Janghel S/o Late Jituram Janghel, Aged About 45 Years R/o Near Pandri Tarai Mandi Gate, Janghel Plaza, Police Station Devendra Nagar, Raipur, District Raipur, Chhattisgarh., Chhattisgarh

---Appellant(s)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Devendra Nagar, Raipur, District Raipur, Chhattisgarh., Chhattisgarh

--- Respondent

In CRA No. 1597/2016

For Appellant : Mr. Amit Kumar Chaki, Advocate

In CRA Nos. 1620/2016 & 117/2017

For Appellant : Mr. B.P. Sharma, along with M.L. Saket
Ms. Kaushaki Kumari, Mr. K.N. Singh
and Ms. Nidhi Tiwari, Advs.

In CRA Nos. 1621/2016 & 281/2017

For Appellant : Mr. Vimlesh Bajpai, Advocate

For State : Mr. Jitendra Shrivastava, G.A.



Hon'ble Shri Arvind Kumar Verma, Judge
Judgment on Board

24.03.2026

1. With the consent of the parties, the present matter is heard finally.
2. This criminal appeal has been preferred by the appellants against the judgment of conviction and order of sentence dated 16.12.2016, passed in Session Trial No. 60/2016 by which the learned 4th Additional Sessions Judge, Raipur (C.G.), whereby the appellants have been convicted and sentenced as follows:-

Convicted under Sections	Sentenced to
147/149 of IPC to each appellants	Fine of Rs. 1000/- in default of payment of which, additional S.I. for three months
323/149 of IPC to each appellants	Fine of Rs. 1000/- in default of payment of which, additional S.I. for three months
341 of IPC to each appellants	Fine of Rs. 500/- in default of payment of which, additional S.I. for one months
306 of IPC to each appellants	R.I. for 5 years with fine of Rs. 1000/- in default of payment of which, additional S.I. for 3 months

3. The prosecution case, in brief, is that on the information furnished by the complainant, *Parikshit Singh*, on 04.11.2015 at about 06:00 PM, the deceased, *Dharanidhar Pratap Singh @ Rohit*, was returning to his house on a motorcycle along with his landlord, *Dharamveer Nayak*, after purchasing distemper. On the way, their motorcycle accidentally struck against a scooter parked by *Ravi*



Yadav, which gave rise to a dispute. On account of the said incident, the accused *Bandhu Janghel*, along with his associates, in furtherance of their common object, intercepted the motorcycle in front of the house of the landlord and started abusing the deceased and his brother in filthy language and assaulted them by fists and blows. The accused persons also extended threats to kill them. Thereafter, the landlord intervened and rescued them and took them inside the house. It is further the case of the prosecution that the deceased, being frightened due to the assault and out of fear and mental distress, went inside his room and committed suicide by hanging himself from the ceiling fan. On the basis of the report lodged by the complainant, Police Station Devendra Nagar registered an offence against the accused persons under Sections 294, 506-B, 323, 147, 149, 341 and 306 of the Indian Penal Code and took up the matter for investigation. Upon completion of the investigation, sufficient evidence was found against the accused persons, and accordingly, a charge-sheet was prepared and filed by Police Station Devendra Nagar, District Raipur before the Court of Shri Ashwani Kumar Chaturvedi, Additional Chief Judicial Magistrate, Raipur.

4. Prosecution in order to prove its case examined total 10 witnesses. Statements of appellants (accused) were also recorded under Section 313 of CrPC in which he denied all incriminating evidence appearing against him, pleaded innocence and false implication. However, no defence witnesses has been examined in his defence.
5. After hearing counsel for the parties and appreciating evidence available on record, the trial Court vide impugned judgment dated



16.12.2016 convicted and sentenced the accused/appellants in the manner as described above of this judgment. Hence this appeal.

6. Learned counsel appearing for the appellants submit that the impugned judgment of conviction and sentence passed by the trial Court is contrary to law and facts available on record and is liable to be set aside. It is contended by the learned counsel for the appellants that the entire prosecution case, even if taken at its face value, does not make out an offence under Section 306 of the IPC. There is no material on record to establish that the appellants had instigated, provoked or intentionally aided the deceased to commit suicide. The essential ingredients of “abetment”, as required under Section 107 of the IPC, are completely absent in the present case.
7. Learned counsel for the appellants further submit that the alleged incident arose out of a trivial dispute relating to accidental collision of a motorcycle with a parked scooter, and at the most, there was a minor altercation and scuffle between the parties. The alleged act of assault by fists and kicks, without any grave injury, cannot be said to be of such a nature which would drive a reasonable person to commit suicide. It is also argued that there is no proximate or direct nexus between the alleged act of the appellants and the suicide committed by the deceased. The prosecution has failed to establish that the conduct of the appellants was of such intensity or continuity which left the deceased with no option except to end his life. The evidence of the prosecution witnesses suffers from material contradictions and omissions, and the same has not been properly appreciated by the trial Court. Independent witnesses have not supported the prosecution case in its entirety, and there is no



reliable evidence to prove unlawful assembly with a common object to commit such offence. It is further contended that the trial Court has erred in invoking Section 149 of the IPC in absence of any cogent evidence to prove the existence of a common object to commit the alleged offences, particularly the offence under Section 306 IPC. Without prejudice to the above submissions, it is argued that even if the prosecution case is accepted in toto, the offence, if any, would not travel beyond Sections 323 and 341 IPC, for which the appellants have already undergone sufficient hardship and deserve leniency. On the aforesaid grounds, learned counsel for the appellants pray that the appeals be allowed, the conviction and sentence imposed upon the appellants be set aside, and they be acquitted of all the charges.

8. In support of their contentions, learned counsel for the appellants placed their reliance upon decision of the Hon'ble Supreme Court in the matters of **Geeta Vs. State of Karnataka** reported in 2025LawSuit (SC) 1228, **Abhinav Mohan Delkar Vs. The State of Maharashtra & Ors.**, reported in Criminal Appeal No. 2177-2185 of 2024.
9. Learned State Counsel submits that the prosecution has successfully established its case beyond reasonable doubt by leading cogent, reliable and consistent evidence. It is contended that the testimonies of material witnesses, namely *PW-1 Jayanti Nayak*, *PW-2 Dharamveer Nayak* and *PW-4 Parikshit Singh*, clearly prove that the accused persons, in furtherance of their common object, formed an unlawful assembly and assaulted the deceased and his brother.



10. It is further submitted by the State Counsel that the incident was not a solitary act but a series of acts, wherein the accused persons not only assaulted and humiliated the deceased but also created an atmosphere of fear and intimidation. The repeated acts of assault, abuse and threat, coupled with the pressure exerted upon the deceased, had a direct bearing on his mental condition, which ultimately led him to commit suicide. Learned State Counsel further argues that the recovery of the suicide note from the spot, duly proved in accordance with law, and the report of the handwriting expert conclusively establish that the deceased himself attributed responsibility for his death to accused *Bandhu Janghel* and his associates. This piece of evidence lends strong corroboration to the oral testimony of prosecution witnesses.
11. It is also contended by the State Counsel that the medical evidence clearly establishes that the death was suicidal in nature, and there is no dispute regarding the cause of death. The chain of circumstances, starting from the assault and humiliation to the commission of suicide, is complete and points unerringly towards the guilt of the accused persons.
12. Learned State Counsel further submits that minor discrepancies or omissions in the statements of witnesses are natural and do not go to the root of the matter. The core of the prosecution case remains intact and trustworthy. Accordingly, it is prayed that this Hon'ble Court may be pleased to hold the accused persons guilty for the offences punishable under Sections 147, 149, 323, 341 and 306 of the Indian Penal Code and convict them in accordance with law.
13. Heard learned counsel for the respective parties and perused the



recorded placed on record.

14. On perusal of the records, it transpires that the incident in question had arisen out of a sudden quarrel on account of a minor issue relating to collision with a parked scooter, and there was no premeditation on the part of the appellants. The evidence available on record, particularly the testimonies of *PW-1 Jayanti Nayak*, *PW-2 Dharamveer Nayak* and *PW-4 Parikshit Singh*, clearly establishes that the appellants had assembled at the spot and were involved in assaulting the deceased and his brother, thereby constituting offences under Sections 147/149, 323/149 and 341 of the Indian Penal Code.
15. The testimonies of *PW-1 Jayanti Nayak*, *PW-2 Dharamveer Nayak* and *PW-4 Parikshit Singh* consistently establish that on the date of incident, the appellants had assembled together and, on account of the dispute arising from the collision with the parked scooter, intercepted the deceased and his brother and assaulted them by fists and blows. The evidence of these witnesses clearly demonstrates the presence of the appellants at the spot and their active participation in the incident. The version of *PW-4 Parikshit Singh*, being an injured witness and brother of the deceased, carries great evidentiary value and stands duly corroborated by *PW-1 Jayanti Nayak*. Even *PW-2 Dharamveer Nayak*, though partly hostile, has admitted the material aspects of assault and abuse after the parties returned from the police station.
16. It is further evident from the record that the appellants restrained the deceased and his brother and subjected them to physical assault, thereby attracting the ingredients of Sections 147, 149, 323 and 341



of the Indian Penal Code. The defence has failed to elicit any material contradiction or improbability which could discredit the core of the prosecution case. Hence, it is submitted that the learned trial Court has rightly appreciated the evidence and has correctly recorded the conviction of the appellants under Sections 147/149, 323/149 and 341 IPC, which calls for no interference by this Hon'ble Court.

17. Insofar as the conviction of the appellants under Section 306 IPC is concerned, it is a settled principle of law that to bring home an offence under Section 306 IPC, the prosecution must establish a clear case of "abetment" within the meaning of Section 107 IPC, which necessarily requires proof of instigation, conspiracy or intentional aid. There must be a proximate and live link between the acts of the accused and the decision of the deceased to commit suicide. Mere harassment, quarrel or assault, in the absence of any positive act of instigation or mens rea to drive the deceased to commit suicide, is not sufficient to attract the offence under Section 306 IPC.

18. In order to hold a person guilty under Section 306 of the IPC, it is necessary that the action of accused should fall within the ambit of Section 107 of the IPC, which should comprise :-

(i) instigating a person to commit an offence.

(ii) engaging in a conspiracy to commit an offence;

(iii) intentionally aiding a person to commit an offence

19. Section 306 of the I.P.C. makes abetment to commit suicide punishable, therefore, prima faice the evidence must show a person who has been roped in as an accused has abetted the commission



of suicide and the act of the accused must fall within the purview of the three factors which have been stated herein above under Section 107 of the I.P.C. and it is necessary to prima facie establish that the accused has instigated the person to commit suicide.

20. The prosecution has relied upon the suicide note; however, it is submitted that mere naming of the accused in the suicide note, without any specific attribution of acts amounting to instigation or intentional aid, is not sufficient to sustain a conviction under Section 306 IPC. The contents of the suicide note do not disclose any positive act on the part of the appellants which could be construed as abetment in terms of Section 107 IPC.

21. *PW-1 Jayanti Nayak* has deposed that the deceased *Dharanidhar @ Rohit* was residing as a tenant in her house. On the date of the incident, after a dispute arising from the collision of the motorcycle with a parked scooter, the accused persons came near her house, abused the deceased and his brother, and assaulted them. She further stated that the quarrel continued intermittently and later in the night, the deceased was found hanging in his room. She has supported the prosecution case regarding the assault and subsequent events leading to the death.

22. *PW-2 Dharamveer Nayak*, the landlord of the deceased, has partly supported the prosecution case. Though he initially showed lack of knowledge regarding the quarrel, upon being declared hostile, he admitted that after returning from the police station, the accused persons abused and assaulted the deceased and that his wife intervened and separated them. He also stated that later in the night, the deceased committed suicide.



23. *PW-3 Raju Sinha* has stated that he was residing in the same premises and came to know that the deceased had committed suicide. He further deposed that he had heard about a quarrel between the deceased and some persons prior to the incident. However, he did not fully support the prosecution case regarding the role of the accused and was declared hostile.

24. *PW-4 Parikshit Singh*, the brother of the deceased and an important witness, has deposed that there was a dispute between his brother and the accused persons, who assaulted them. He specifically stated that accused *Bandhu Janghel* slapped him and abused them, and thereafter, a crowd gathered and they were beaten. He further stated that later, when he returned to the room, he found the door closed from inside and upon looking through a hole, saw his brother hanging from the ceiling fan. He broke open the door, brought the body down, and informed the police.

25. *PW-5 Loknath Sahu* has deposed that he came to know about the suicide from *PW-1 Jayanti Nayak* and thereafter saw the deceased hanging. He did not support the prosecution case regarding the assault and was declared hostile.

26. *PW-6 Gangeshwar Lal Sahu*, the Investigating Officer, has deposed regarding the registration of the FIR, preparation of the spot map, seizure of articles including the notebook and other materials, and arrest of the accused persons. He has also stated that the suicide note and other documents were sent for handwriting examination.

27. *PW-7 Shashi Paikra*, another Investigating Officer, has deposed regarding preparation of the inquest, seizure of the suicide note from the spot, and other procedural aspects of the investigation.



28. *PW-8 Rajesh Kumar Elma*, the handwriting expert, has deposed that upon examination, the handwriting in the suicide note matched with the admitted handwriting of the deceased, thereby confirming that the suicide note was written by the deceased himself.
29. *PW-10 Dr. M. Nirala*, the autopsy surgeon, has opined that the death of the deceased was due to asphyxia as a result of hanging, and that the nature of death was suicidal.
30. Further, the evidence of *PW-4 Parikshit Singh* itself indicates that after the incident, the matter had been taken to the police station and was compromised between the parties. This intervening circumstance clearly breaks the chain of causation and weakens the theory of continuous provocation. The deceased had sufficient time to reflect, and the act of suicide cannot be said to be the direct or inevitable consequence of the alleged incident.
31. The aforesaid statement of the witnesses if are translated into the principles laid down to consider the case under Section 306 I.P.C.it would be relevant to quote the law laid down in case of ***Rajendra Das Vs. State of Chhattisgarh, reported in 2013 (2) CGLJ*** in which it has been held in paras 7, 8 & 11 thus :

“7. For the offence u/s 306, the offence by the appellants by instigation depends upon the intention of a person who abets and not upon the act which is done by the person who is abetted. The abetment may be by instigation, conspiracy or intentional aid as provided under Section 107 IPC. However, the words uttered in a fit of anger or omission without any intention cannot be termed as instigation. Instigation has to be gathered from circumstances of a particular case. In a particular case, there may not be direct offence in regard to instigation which may have direct nexus to suicide. Therefore, in such case, an inference has



to be drawn from the circumstances and it has to be determined whether circumstances had been such which in fact had created the situation that a person felt totally frustrated and committed suicide.

8. *In Gangula Mohan Reddy Vs. State of Andhra Pradesh (2010) 1 SCC 750, Hon'ble the Supreme Court while interpreting Section 306 IPC held that "Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing and without a positive act on the part of the accused to instigate or aid in committing suicide, there cannot be any conviction. It was further held that to attract section 306 IPC, there has to be a clear mens rea to commit the offence."*

11. *In Mohan Vs. State represented by the Deputy Superintendent of Police, AIR 2011 SC 1238 Hon'ble the Supreme Court observed thus:*

".....While interpreting section 306 IPC held that abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing and without a positive act on the part of the accused to instigate or aid in committing suicide, there cannot be any conviction. It was further held that to attract Section 306 IPC, there has to be a clear mens rea to commit the offence. It is further stated that the present case is squarely covered by the above decision as even if the case of the prosecution is taken to be true and the finding of the High Court that there are no elements of cruelty or dowry related harassment and that the witnesses have improved upon their earlier statements is ignored then also section 306 IPC, is not attracted in the facts of the present case."

32. Therefore, to constitute an offence under Section 306 of the I.P.C., the prosecution has to establish that a person has committed suicide and the suicide was abetted by the accused. In the present case, though the prosecution has proved that a quarrel and assault had taken place, there is no evidence on record to show that the



appellants had, at any point of time, instigated or intentionally provoked the deceased to commit suicide. None of the prosecution witnesses have deposed that the appellants exhorted or compelled the deceased to take the extreme step. The alleged threats, even if taken at their face value, are general in nature and do not constitute instigation in the eye of law.

33. Though the suicide note has been proved to be in the handwriting of the deceased, mere attribution of blame, without any specific allegation of instigation or intentional aid, is not sufficient to fasten criminal liability under Section 306 IPC. The contents of the suicide note do not disclose any positive or direct act on the part of the appellants compelling the deceased to take the extreme step.

34. In view of the settled legal position and the evidence available on record, this Court is of the considered opinion that the essential ingredients required to constitute an offence under Section 306 IPC are not made out against the appellants. The learned trial Court has erred in law in recording conviction under Section 306 IPC without there being sufficient evidence of abetment.

35. Consequently, the conviction and sentence of the appellants under Section 306 of the IPC are hereby set aside. However, the conviction and sentence imposed upon the appellants under Sections 147/149, 323/149 and 341 of the IPC are affirmed. The appellants are on bail.

36. Keeping in view the provisions of Section 437-A of the CrPC (now Section 481 of the Bhartiya Nagarik Suraksha Sanhita, 2023), the appellants are directed to forthwith furnish a personal bond in terms of Form No. 45 prescribed in the Code of Criminal Procedure of sum of Rs. 25,000/- with one surety in the like amount before the Court



concerned which shall be effective for a period of six months along with an undertaking that in the event of filing of Special Leave Petition against the instant judgment or for grant of leave, the aforesaid appellants on receipt of notice thereof shall appear before the Hon'ble Supreme Court.

37. With the aforesaid observations, the criminal appeal is **partly allowed** to the extent indicated hereinabove.

38. Let a copy of this order and the original records be transmitted to the trial court concerned forthwith for necessary information and compliance.

Sd/-

(Arvind Kumar Verma)
Judge

Jyoti