

Manoj Vs. the State of Madhya Pradesh

Manoj Vs. the State of Madhya Pradesh

SooperKanoon Citation : sooperkanoon.com/1040235

Court : Madhya Pradesh

Decided On : Jan-04-2013

Appellant : Manoj

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Manish Tiwari

Judgement :

CRR.No.879/2012 Criminal Revision No.879/2012 4.1.2013 Shri Manish Tiwari, counsel for the applicant.

Shri Ajay Tamrakar, Panel Lawyer for the State/respondent.

As prayed by the learned counsel for the parties, matter is heard finally.

The applicant has challenged the order dated 21.3.2012 passed by the learned Additional Sessions Judge, Khurai, District Sagar in S.T.No.99/2012, whereby the charge of offence punishable under section 306 of IPC were framed against the applicant.

Facts of the case, relating to the present revision, are that, the deceased consumed some poisonous substance and committed suicide.

It is alleged against the applicant that he threatened the deceased not to indulge in second marriage.

Though divorce of the deceased took place with her previous husband and therefore, the police registered a case under section 306 of IPC and submitted a charge-sheet.

The learned Additional Sessions Judge, after considering the arguments of the learned counsel for the parties, framed the charge of offence punishable under section 306 of IPC against the applicants.

CRR.No.879/2012 After considering the submissions made by the learned counsel for the parties and looking to the facts and circumstances of the case, if a threat was given by the applicant to the deceased, not to remarry then, such a threat does not fall within the purview of section 107 of IPC and therefore, no offence punishable under section 306 of IPC is made out against the applicant.

There was no relation of the applicant with the deceased, so that presumption under section 113-A of Evidence Act may apply.

The learned Additional Sessions Judge has committed an error of law in framing the charge under section 306 of IPC.

Hence, an interference can be made by way of a revision.

Consequently, the present revision filed by the applicant is hereby allowed.

The order dated 21.3.2012 passed by the learned Additional Sessions Judge, Khurai, District Sagar is hereby set aside.

The applicant is discharged from the charge of offence punishable under section 306 of IPC.

A copy of the order be sent to the trial Court for information and compliance.

(N.K.GUPTA) JUDGE Pushpendra

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com