

Tej Singh Vs. State of M.P.

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Court : Madhya Pradesh

Decided On : Jan-07-1999

Reported in : I(1999)DMC651

Judge : Shambhoo Singh, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 306

Appeal No. : Crl. Appeal No. 46 of 1988

Appellant : Tej Singh

Respondent : State of M.P.

Advocate for Def. : P. Verma, Adv.

Advocate for Pet/Ap. : Siddiqui, Adv.

Disposition : Appeal allowed

Judgement :

Shambhoo Singh, J.

1. This appeal is directed by the accused against the judgment and order dated 8.1.1988 passed by 1st Additional Sessions Judge, Shajapur, in S.T. 144/87 whereby he was convicted under Section 306 of the Indian Penal Code.

2. It was not in dispute that the deceased Suntibai was married to the appellant 6-7 years before the incident. Her dead-body was found in a well, in the vicinity of the house of appellant.

3. The prosecution case, in brief, was that the appellant used to beat his wife Suntibai, therefore, she left his house and went to her parent's house at village Sapkheda, 3 kms. away from Shajapur, on Wednesday. On Sunday, 22.6.1987 her father Ramsingh (PW1) and mother Bhavarbai (PW 3) brought her from their house and left her in the house of the appellant in Shajapur. The deceased lodged report Ex. P7 that she was beaten by her husband. On the next day her dead-body was found in well. On report, S.H.O. Shri B.S. Kang (PW 6) went to the well and recovered the dead-body of Suntibai. He conducted inquest, on the dead-body, prepared report Ex. P1 and sent the same to District Hospital Shajapur for postmortem examination where Dr. Nandkishore Gupta (PW 2) conducted autopsy on the dead-body and opined that the cause of death was asphyxia, caused by drowning in the water vide report Ex. P2. The Investigating Officer inspected the spot and prepared map Ex. P3 and seized pieces of bangles and 'Paijeb' from the house of the appellant vide seizure memo Ex. P4. After investigation, challan was filed. The appellant pleaded not guilty and false implication. The Tribunal convicted and sentenced the appellant as stated above. Hence, this appeal.

4. Mr. Siddiqui, LC for the appellant, submitted that there is no evidence at all on record to prove that the appellant abetted the deceased to commit suicide. Infact her parents wanted her to live with them in their house while she wanted to live with the appellant, therefore, she committed suicide. He further contended that even if it was assumed that the appellant used to give beating to the deceased, it cannot be held that he abetted the deceased to commit suicide. On the other hand, Mr. Verma supported the impugned judgment.

5. I was taken through the evidence on record. From the evidence of B.S. Kang (PW 6), S.H.O., Shajapur it is proved that on 23.6.1987 he took out the dead-body of Suntibai from the well and prepared inquest report Ex. P1. Dr. Nandkishore Gupta conducted autopsy on the dead-body and opined that the cause of death was asphyxia caused by drowning in the water. From the above, it appears that

the deceased committed suicide by jumping in the well.

6. Now the question is whether the appellant abetted the deceased to commit suicide. Ramsingh (PW 1) and Bhavarbai (PW 3), the father and mother of the deceased respectively, Kailash (PW 4) and Jamnabai (PW 5) deposed that the deceased made complaint to them that her husband used to beat her. But the Investigating Officer did not examine any neighbour to prove this fact. According to Mr. Siddiqui, the deceased while returning from her parents' house fell down in the well or jumped and committed suicide as she was depressed by the behaviour of her parents. According to Ramsingh (PW 1) he took the deceased to her husband's house on Sunday and left her there. He did not state that his wife Bhavarbai also accompanied him while Bhavarbai stated that she and her husband took the deceased to the house of the appellant and left her there. This version is false. Ramsingh did not mention this fact in his police statement Ex. DI. According to police statement Ex. DI, the deceased herself left her parents' house and went to her husband's house. No one saw the deceased and the appellant in Shajapur in their house before the incident. She was in her parents' house for last 4 days before the incident. It is, therefore, clear that the appellant did not abet his wife Suntibai to commit suicide. Even if it is assumed that the appellant gave beating to the deceased it cannot be held that he abetted her for commission of suicide. The behaviour of the appellant may be a cause for her to commit suicide but it cannot be assumed that the appellant instigated or provoked or persuaded or urged the deceased to commit suicide (see *Basant Kumar & Ors. v. State of M.P.*, 1991 J.L.J. 175, and *Chanchal Kumari & Ors. v. Union Territory, Chandigarh*, AIR 1986 SC 752. As there is no evidence that the appellant abetted the deceased to commit suicide, the appellant could not be convicted under Section 306 of the Indian Penal Code. The learned trial Judge committed error in convicting the appellant under Section 306 of the Indian Penal Code.

7. In the result, the appeal succeeds. The impugned judgment and order is set aside. The appellant is on bail. His bail-bonds are cancelled.