

Sunil Vs. State

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Court : Madhya Pradesh

Decided On : Dec-03-2001

Reported in : 2002(1)MPHT82

Judge : N.S. Azad, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 306; Code of Criminal Procedure (CrPC) , 1974 - Sections 397 and 401

Appeal No. : Criminal Revision No. 1111/2001

Appellant : Sunil

Respondent : State

Advocate for Def. : R.A. Robertson, Panel Lawyer

Advocate for Pet/Ap. : Vijay Naik, Adv.

Disposition : Criminal revision dismissed

Judgement :

ORDER

N.S. Azad, J.

1. Arguments heard.

2. On 18th September, 2001, Sessions Judge, Narsinghpur, framed charge against this petitioner for offence punishable under Section 306 of the IPC giving rise to this revision.

3. As per the prosecution case, the deceased Malti Bai became pregnant by this petitioner, who promised to marry her. Thereafter, when Malti Bai came to know that this petitioner is intending to marry with another girl, she informed this petitioner about the conception and also alarmed him that in case the petitioner does not marry her, she would commit suicide. On this petitioner's telling her to die, Malti Bai is stated to have consumed some poisonous substance and committed suicide. It is submitted by Shri Naik that in case on account of casual conversation and asking some one to die. If somebody commits suicide, the offence committed under Section 306, IPC can not be said to have been made out. In support of his argument, he has drawn Court's attention in the case of Swami Prahlad Das v. State of M.P., reported in 1991 Cr.LR (SC) 141, wherein, the suicide was not accepted to be the direct result of words uttered by the accused/petitioner. But in that case, the facts and circumstances were different and the victim was not pregnant nor was there any occasion for her to commit suicide whereas, in this case in the event of refusal to marry, the victim, she can not be taken to have suffered a frustration only but shall be taken to have been driven to commit suicide and hence the cited authority does not help the petitioner.

4. Since I do not find any illegality or impropriety in the order passed by the learned Sessions Judge for an offence punishable under Section 306 of the IPC, this petition does not merit, which is accordingly disallowed and rejected.

5. At this stage, Shri Naik makes a submission that let there be an observation so that the opinion expressed by this Court whilst rejecting this petition may not weigh by the Trial Court while considering the case on merit. On being asked, he informed the Court that he does not make a request but makes a submission to which, I do not agree as I do not find it to be a case to make such observation, because no observation need be made about legal position.

6. Prayer disallowed.

