

Bhagwan Panda Vs. State

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Court : Delhi

Decided On : Jul-01-2001

Reported in : 2001VAD(Delhi)414; 92(2001)DLT182; 2001(59)DRJ236

Judge : Mr. R.S. Sodhi, J.

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

Appeal No. : Criminal Revision No. 266 of 2001

Appellant : Bhagwan Panda

Respondent : State

Advocate for Def. : Mr. V.K. Malik, Adv.

Advocate for Pet/Ap. : Mr. Jugal Wadhwa, Adv

Judgement :

R.S. Sodhi, J

1. This criminal revision is directed against the judgment and order dated 9.3.2001 of the learned Additional Sessions Judge whereby the learned Judge found sufficient material to frame charge under Section 306 IPC. This order of the learned Additional Sessions Judge is challenged on the ground that from the material on record it appears that the deceased and the accused had a close mental and physical relationship which was not respected by the accused leading

to utter desperation. Due to this the deceased committed suicide.

2. It was argued by learned counsel for the petitioner that ingredient of Section 306 IPC, which requires aiding or abetting suicide, is absent. On the other hand, learned counsel for the State submitted that there is ample evidence on record to show that the accused gradually, over a period of time, drove the deceased to a state of helpless despair which amounts to abetting to take the extreme step. He submitted that what happened on the fateful evening when the deceased was at the house of the accused, is a matter of evidence and that the prosecution ought not to be scuttled at this preliminary stage.

3. I have heard learned counsel for the parties and gone through the record of the case. It is true that per se refusal to get married would not be sufficient to bring home a charge under Section 306 IPC, however, other attending circumstances, if go to prove the active connivance of the accused, would certainly justify framing of charge. In the facts and circumstances of the case I find that the order under challenge suffers from no infirmity, illegality, impropriety or jurisdictional error.

4. Criminal Revision No. 266 of 2001 is dismissed.

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