

SUPREME COURT OF INDIA

Chanchal Kumaria

Vs.

Union Territory, Chandigarh

Crl.A.No.238 of 1984

(S. Murtaza Fazl Ali and A. Varadarajan, JJ.)

23.07.1985

ORDER:-

1. In this appeal by special leave, the appellants have been convicted under Sec. 306, Indian Penal Code (Abetment to commit suicide).

2. We have heard counsel for the parties and have gone through the record. We find that there is no legal evidence at all to support the conviction of the appellants. The incident took place on 20-7-81 but the F.I.R. was lodged three days' later at 5. 10 p.m. This was because the brother of the deceased who lodged the RIK was staying at a different place. Counsel for the respondent was unable to satisfy us that there was any dependable evidence in regard to the actual abetment, by any of the accused, for the deceased to commit suicide. On the other hand, there are certain important and innate circumstances which completely destroy the theory of abetment to commit suicide. In the first place it appears that the brother of the deceased (P.W. 1) stated that when the deceased visited him sometimes in May he was told by her that the accused were demanding money in order to build a house for her and her husband. This by itself does not at all prove any intention-to abet her to commit suicide by any of the accused. Even if we regard it as a demand for providing money to build the house this is completely offset by letter dated 21-6-81, Ex. D-1, where the deceased wrote almost a love letter to her husband and in that letter there is no trace that she was being harassed, or

teased by her in-laws or her husband. The evidence of Gulshan .Rai (P.W. 2), on. which the prosecution relied, was that he had visited his sister Usha, C.W. 1, and saw appellant Chanchal and Draupadi beating the deceased and heard her cries at 9.30 p.m. But Gulshan Rai did not give this information to police or anybody and spoke regarding this incident for the first time only one and a half months after the occurrence. In these circumstances, we have serious doubt about the truth of his statement. This is the only main evidence against the appellants and we are convinced that the evidence is not sufficient to prove the charges against the appellants. Suspicion however, strong cannot take the place of proof.

3. For these reasons, the appeals, are allowed and the appellants are acquitted of the charges framed against them. Appellant Rakesh who is on bail will now be discharged of his bail bonds. The other four Appellant who are in jail, will be released forthwith.

Appeals allowed.