

2006 (1) GLR 514

State of Gujarat Vs Bharatbhai Balubhai Lad And othr's

- A) Indian Penal Code, 1860 (XLV of 1860) - Sec . 107 and 306 - Abetment of suicide - Ingredients of the offence - There must be evidence to show that there was harrasment and torture due to which the deceased was prompted or instigated to commit suicide - “ Mere harassment or cruelty which drags the woman to commit suicide is not sufficient to constitute the offence under Sec 306. “ - On facts held offence was not made out.

It is a settled legal provision of law that for bringing home the charge under Sec - 306 of IPC there must be some evidence adduced on record showing that soon before the incident, there was some harassment and torture to the deceased at the hands of the accused. Sec - 107 of IPC is with regard to the abetment and as per the provisions of this section, there must be some evidence that soon before the incident there must be some incident due to which she was prompted, instigated or abbeted to commit suicide. (Para - 7)

Before a person can be held guilty for abetting the commission of suicide, the prosecution must establish by cogent, convincing and overwhelming evidence that the accused intended the consequences of the act namely suicide and abetted the suicide within the meaning of Sec - 107 of IPC. Mere harassment or cruelty which drags the woman to commit suicide is not sufficient to constitute the offence under Sec - 306 of IPC. (Para - 9)

Applying the principle laid down by the Supreme Cout in the instant case, mere allegations which are general in nature with regard to the deceased was subjected to mental and physical cruelty at the hands of the accused, offence under Sec - 306 cannot be proved. (Para - 10)

- B) Indian Penal Code, 1860 (XLV of 1860) - Sec. 498 A - Wilful conduct of a nature as would drive a woman to commit suicide should be established by cognet Evidence of witnesses - - regarding harassment was based on information provided by deceased - “ Such statement is not admissible in evidence for offence under Sec - 498 A and has to be termed as being only a hearsay evidence “ - Acquittal confirmed.