



2026:CGHC:25275

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
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13.05.2026	22.06.2026	--	22.06.2026

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 228 of 2015

1. Smt. Satwati Bai W/o Late Balram Mandavi Aged About 40 Years R/o Village Baliyara, P.O. Bhatali, P.S. Arjuni, District- Dhamtari, Chhattisgarh
2. Indra Kumar Mandavi S/o Late Balram Mandavi, Aged About 19 Years, Village Baliyara, P.O. Bhatali, P.S. Arjuni, District- Dhamtari, Chhattisgarh

--- Appellants

versus

1. State of Chhattisgarh, through S.H.O., P.S. Arjuni, District- Dhamtari, Chhattisgarh
2. Ashok Kumar Wadhwani, S/o Late Parasram Wadhwani, Aged About 53 Years R/o Quarter No. 09, Arihant Vihar Colony, Aamapara, Dhamtari, District- Dhamtari, Chhattisgarh

--- Respondents

CRA No. 1191 of 2015

- Ashok Kumar Wadhwani, S/o Late Parasram Wadhwani, Aged About 53 Years R/o Quarter No. 09, Arihant Vihar Colony, Aamapara, Dhamtari, District- Dhamtari, Chhattisgarh

---Appellant**Versus**

- State of Chhattisgarh, Through Police Station- Arjuni, District- Dhamtari, Chhattisgarh

---Respondent

For Appellants	: Ms. Meena Shastri, Advocate in ACQA No. 228 of 2015 and Mr. T. K. Jha, Senior Advocate along with Mr. Parth Jha, Advocate in CRA No. 1191 of 2015
For Objector	: Ms. Meena Shastri, Advocate in CRA No. 1191 of 2015
For State	: Mr. Jitendra Shrivastava, G.A. in ACQA No. 228 of 2015 & Mr. Siddhant Tiwari, PL in CRA No. 1191 of 2015

Hon'ble Smt. Justice Rajani Dubey**C A V Judgement****ACQA No. 228 of 2015**

- This acquittal appeal has been preferred by Appellant No. 1- Smt. Satwati Bai, and Appellant No. 2- Indra Kumar Mandavi, against the judgment dated 21.09.2015 passed by the learned Special Judge, SC & ST (Prevention of Atrocities) Act, 1989, Dhamtari, in Special Sessions Trial No. 02/2015, whereby Respondent No. 2, Ashok Kumar Wadhwani, was acquitted of the offence under Section 3(2)(v) of the SC & ST Act and awarded a lesser sentence for the offence punishable under Section 306 of the IPC.

CRA No. 1191 of 2015

2. This appeal is preferred by the accused/appellant under Section 374 (2) of the Code of Criminal Procedure, 1973 against the judgment dated 21.09.2015 passed by learned Special Judge, SC & ST (Prevention of Atrocities) Act, 1989, Dhamtari in Special Sessions Trial No. 02/2015, wherein the said Court convicted the accused/appellant and sentenced him as under:-

Conviction	Sentence
Under Section 306 of IPC	R.I. for 07 years along with a fine amount of Rs. 2000/-, in default of payment of fine, to undergo additional R.I. for 03 months

3. The case of the prosecution, as unfolded from the impugned judgment and the records of the case in the appeals, is that on 14.06.2014 complainants- Indra Kumar, Ramlal Sahu (Up-Sarpanch of Village Baliyara), Raghvendra Sinha (Secretary) and Hansraj (Kotwar), lodged an oral report at Police Station- Arjuni stating that Balram Mandavi had left his house on 13.06.2014 at about 4:00 PM without informing anyone and had not returned. Despite inquiries made in the village, his whereabouts could not be ascertained. On 14.06.2014, the complainants, along with Puna Ram Mandavi and Umesh Mandavi, went to inspect the fields and found Balram Mandavi lying dead in his field at Navagaon *Khar*. His motorcycle was found parked near a drain and a box of pesticide was lying nearby. The body was thereafter brought home. On the basis of this information, a case was registered and investigation commenced. During the inquest proceedings, a diary

and a suicide note were recovered from the pocket of the deceased Balram Mandavi, wherein he had stated the reasons for taking his life. The articles were seized in the presence of witnesses under a seizure memo. During investigation, statements of the complainants and the children of the deceased were recorded. They disclosed that Balram Mandavi, the Sarpanch, had procured materials for the construction of a NREGA *Chaupal* from a contractor Ashok Wadhwani and owed him approximately Rs. 40,000/-. It was alleged that the accused- Ashok Wadhwani, persistently harassed the deceased by demanding Rs. 3–4 lakhs as enhanced interest on the outstanding amount. Being fed up with the aforesaid illegal persistent demand and harassment, Balram Mandavi allegedly consumed pesticide in the field of Sudarshan in Village- Baliyara after 5:00 PM on 13.06.2014, resulting in his death. Witnesses were summoned for the inquest proceedings and in their presence, an inquest memo was prepared, during which a diary and a suicide note were recovered from the pocket of the deceased and were seized under a seizure memo. A post-mortem examination of the deceased was conducted and the post-mortem report was obtained. Thereafter, an FIR was registered at Police Station- Kurud, statements of witnesses were recorded and a spot map was prepared. Specimen documents containing the natural handwriting of the deceased and caste certificate were seized. The accused was arrested and a supply bill was recovered and seized from his possession. The seized documents were forwarded through the Superintendent of Police, Dhamtari, to the Director, State Handwriting Expert, Raipur, for examination and the expert's report was subsequently obtained. After

completion of due and necessary investigation, charge-sheet was led before the concerned jurisdictional Magistrate who, in turn, committed the case for trial. On the basis of the material contained in the charge-sheet, learned trial Court framed charges against the accused person for alleged commission of offence under Section 306 of IPC and Section 3 (2) (v) of the Act, 1989. The accused person having abjured guilt was subjected to trial.

4. In order to bring home the guilt, the prosecution has examined as many as 13 witnesses to prove its case against the appellant/accused. Statement of the accused was also recorded under Section 313 of Cr.P.C., in which he denied all the incriminating circumstances appearing against him in the prosecution case and pleaded his innocence and false implication in the case.
5. Learned counsel for the complainants/appellants in **ACQA No. 228 of 2015** submits that the learned trial Court erred in acquitting accused/Respondent No. 2 of the charge under Section 3(2)(v) of the SC & ST Act and in imposing an inadequate sentence for the offence punishable under Section 306 IPC, without properly appreciating the evidence and material available on record. It is contended that the prosecution established that Respondent No. 2 continuously harassed the deceased for payment of Rs. 4,00,000/-, despite the deceased having already paid the amount due towards the construction materials purchased by him. Such harassment constituted the instigation that drove the deceased to commit suicide, while the trial Court rightly convicted accused/Respondent No. 2 for offence under Section 306 of IPC, it imposed an unduly lenient sentence considering

the gravity of the offence. It is further submitted that the prosecution proved that the deceased belonged to a Scheduled Tribe community and that accused/Respondent No. 2 was fully aware of this fact, yet he deliberately subjected the deceased to harassment knowing his financial inability to pay the alleged amount. Therefore, the ingredients of the offence punishable under Section 3(2)(v) of the Act, 1989 stood proved, but the trial Court has failed to record a conviction under the said section. Therefore, considering the facts and circumstances of the case, the acquittal of accused/Respondent No. 2 for the offence under the Atrocities Act is not sustainable in law and is contrary to the settled principles of law. Hence, the impugned judgment is liable to be modified.

To buttress her contention, she relied upon the judgments of the Hon'ble Supreme Court in the matters of **Gurbachan Singh vs. Satpal Singh and Ors¹** and **Pawan Kumar vs. State of Himachal Pradesh²**

6. *Ex adverso*, learned Senior counsel for the accused/appellant in CRA No. 1191 of 2015 and respondent No. 2 in ACQA No. 228 of 2015 vehemently opposes the prayer made by learned counsel for the complainants/appellants in ACQA No. 228 of 2015.
7. Learned Senior counsel for the accused/appellant in **CRA No. 1191 of 2015** submits that the impugned judgment is perverse, contrary to law, and unsupported by the evidence on record. It is contended that conviction of the accused/appellant under Section 306 IPC requires

1 (1990) SCC 445

2 (2017) 7 SCC 780

proof of *mens rea* and a positive act of instigation, aid, or intentional conduct that leaves the deceased with no option but to commit suicide. The prosecution has failed to establish any such intention or conduct on the part of the appellant. It is further submitted that the prosecution has not proved any circumstances showing that the appellant compelled or provoked the deceased to take the extreme step of suicide. The suicide note does not state that the deceased was instigated by the appellant to commit suicide. Except for a reference to the appellant's name, the note contains no allegation of any act, omission, or conduct amounting to instigation, intentional aid or abetment. There is also no evidence of any conspiracy involving the appellant that led to the suicide. Relying on settled law laid down by the Hon'ble Supreme Court, learned Senior counsel submits that mere demand for repayment of money legally due from the deceased cannot constitute abetment of suicide under Section 306 IPC. In the present case, the deceased was burdened with an outstanding bank loan of Rs. 2,58,000/-, which is a relevant circumstance ignored by the trial Court. Attention is also drawn to the testimony of PW-1 (son of the deceased), who admitted in his deposition that he did not inform the police at the time of lodging the report that the deceased had committed suicide due to any instigation by the appellant, nor did he state during the inquest proceedings that his father had been harassed by the appellant. It is further argued that most independent witnesses did not support the prosecution case, yet the learned trial Court convicted the appellant solely on the testimonies of PW-1 (Son of the deceased) and PW-2 (father of the deceased). Accordingly, the

conviction under Section 306 IPC is unsustainable and liable to be set aside. Learned Senior counsel also submits that learned trial Court rightly acquitted the appellant of the charge under Section 3(2)(v) of the Act, 1989 and acquittal appeal filed by the complainants/appellants without any merit is liable to be dismissed and appeal filed by the accused/ appellant may be allowed.

To buttress his contention, he relied upon the judgment of the Hon'ble the Apex Court in the matters of **Mahendra Awase vs. State of Madhya Pradesh³** & **Dhirubhai Nanjibhai Patel Lotwala vs. State of Gujarat and Anr.⁴** and also relied upon the judgment of Hon'ble Delhi High Court in the matter of **Smt. Sunil vs. State of Govet of NCT of Delhi⁵** and in the matter of **Smt. Shaila Singh vs. State of C.G. and Anr.⁶** passed by this Court.

8. *Ex adverso*, learned counsel for the appellants/complainants in **ACQA No. 228 of 2015** vehemently opposes the submissions advanced on behalf of the accused/appellant in CRA No. 1191 of 2015. It is contended that the prosecution has successfully established its case beyond reasonable doubt and that the learned trial Court rightly convicted the appellant for the offence punishable under Section 306 IPC. It is further submitted that although the evidence on record clearly attracted the provisions of the Act, 1989, but the learned trial Court failed to properly appreciate the relevant statutory provisions and erroneously acquitted the accused/Respondent No.2 of the charge

3 (2025) 4 SCC 801

4 2026 LiveLaw (SC) 270

5 CRL REV.P. 591/2023 & CRL.M.A. 14085/2023

6 CRMP No. 1441 of 2017

under Section 3(2)(v) of the Act, 1989. Accordingly, it is prayed that ACQA No. 228 of 2015 filed by the complainants/appellants may be allowed by setting aside the acquittal under the Act, 1989 and CRA No. 1191 of 2015 preferred by the accused may be dismissed.

9. Learned counsel for the State supporting the argument of learned counsel for the appellants/complainants in Acquittal Appeal No. 228 of 2015 and vehemently opposes the submissions advanced on behalf of the accused/appellant in CRA No. 1191 of 2015, submits that the learned trial Court minutely appreciated the oral and documentary evidence and has rightly convicted and sentenced the appellants/accused for offence under Section 306 of IPC, but the learned trial Court failed to minutely appreciate the relevant statutory provisions and erroneously acquitted the appellant of the charge under Section 3(2)(v) of the Act, 1989.
10. I have heard learned counsel for the parties and perused the material available on record.
11. It is not disputed in this case that learned trial Court framed charges under Section 306 of IPC and 3 (2) (v) of the Act, 1989 against the accused- Ashok Kumar Wadhwani. After appreciation of oral and documentary evidence available on record, learned trial Court acquitted the accused person of charge under Section 3 (2) (v) of Act, 1989, but convicted him for offence under Section 306 of IPC and sentenced as mentioned in para 02 of this judgment. It is also not disputed in this case that deceased Balram Mandavi had committed suicide on 13.06.2014 by consuming pesticide.

12. The prosecution produced the caste certificate of Indra Kumar, son of the deceased, marked as Ex. P/8, which was issued by the S.D.O., Dhamtari. The said certificate establishes that the deceased Balram Mandavi, belonged to the Scheduled Tribe community. The learned trial Court has also recorded a finding to the same effect.
13. PW-1- Indra Kumar, son of the deceased Balram Mandavi, stated that the accused worked as a contractor and also lent money on interest in the village. His father had engaged the accused for gravel and stone work and made payments from time to time. The accused was demanding the remaining amount of ₹40,000 and had allegedly inflated the liability by charging interest, claiming an amount of ₹3–4 lakhs. According to the witness, his father committed suicide due to this persistent harassment, which was also mentioned in the suicide note. The police subsequently recorded his statement.
14. PW-2, Raghunandan, father of the deceased, stated that he had known the accused for a long time and that the accused was engaged in money lending on interest. He deposed that the accused once came to his house looking for his son (deceased). While his son was present, a conversation took place between the accused and his son; however, he was unable to state the contents of that conversation.
15. A careful scrutiny of the statements of PW-1 Indra Kumar and PW-2 Raghunandan reveals that neither witness has alleged that the accused ever subjected the deceased to any caste-based insult, intimidation, humiliation or harassment. Their evidence is confined to the allegation that the accused was demanding repayment of money

allegedly due from the deceased. Both witnesses have admitted that an amount was in fact payable by the deceased to the accused. The contents of the suicide note (Article-1) also do not disclose any allegation of caste-related harassment. The deceased merely stated that the accused was demanding ₹3–4 lakhs by charging excessive interest on the outstanding amount of ₹40,000/-. The suicide note further reveals that the deceased along with his father and brother, had purchased a tractor and that a sum of ₹2 lakhs remained unpaid towards the said purchase.

16. Thus, the material available on record indicates that the deceased was under financial liabilities and was facing demands for repayment of dues. Even if the prosecution case is accepted at its highest, the allegations pertain solely to a monetary dispute and recovery of an outstanding amount. There is no evidence, either oral or documentary, to suggest that the accused harassed or intimidated the deceased on account of his caste. Consequently, the essential ingredients of caste-based offences are conspicuously absent from the prosecution evidence.
17. A perusal of the suicide note (Article-1) does not disclose any allegation that the deceased was harassed, humiliated, or subjected to any ill-treatment by the accused/appellant on account of his caste. The contents of the note pertain only to a monetary dispute between the parties.
18. The learned Trial Court has meticulously appreciated the entire oral and documentary evidence on record and has rightly concluded that

the prosecution has failed to establish the essential ingredients of the offence punishable under Section 3(2)(v) of the Act, 1989. The finding of acquittal is based on proper appreciation of evidence and does not suffer from any perversity or illegality warranting interference. Consequently, **ACQA No. 228 of 2015**, preferred by the complainants/appellants against the acquittal under the Special Act is devoid of merit.

19. Insofar as **ACQA No. 228 of 2015**, seeking enhancement of sentence under Section 306 IPC by the complainants and **CRA No. 1191 of 2015**, preferred by the accused/appellant challenging his conviction, are concerned, the evidence of PW-1 Indra Kumar and PW-2 Raghunandan unequivocally establishes that the accused had been demanding repayment of the amount due from the deceased Balram Mandavi.
20. At this juncture, it is appropriate to look into the provisions of Sections 306 & 107 of Indian Penal Code, which reads as under:-

“306. Abetment of Suicide- If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term of which may extend to ten years, and shall also be liable to fine.

107. Abetment of a thing- A person abets the doing of a thing who-

First- Instigates any person to do that thing: or

Second- Engages with one or more other person in any conspiracy for the doing of that thing, if an act or illegal mission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Third- Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1. A person who, by willful misrepresentation, or by willful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2. Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act. ”

21. It has been recently held and observed by the Hon’ble Apex Court in the matter of **Dhirubhai (supra)** in paras 13 and 14 as under:-

“13. What is evident from the charge-sheet submitted by the investigating agency is that the deceased had borrowed money from multiple accused. Insofar as the present appellant is concerned, it appears the deceased initially borrowed Rs. 4 lacs and in lieu thereof, issued a cheque drawn on State Bank of India. Later, Rs. 6 lacs were also lent. The only basis on which the charge-sheet has been laid against the accused is the suicide note coupled with the call detail records which indicate that 40 phone calls were made by the appellant to the deceased in last six months. As far as the suicide note is concerned, we find that it lacks material particulars regarding the nature of those threats and the time and place when those threats were extended. Moreover, the suicide note indicts as many as 9 accused without specifying the role of any one of them. It is not the case

of the prosecution that all accused belong to one family or were harassing the deceased as a group. Further, the deceased has painted all creditors with one brush. Therefore, a trial based on such a suicide note would be a futile exercise. Besides, if a creditor makes a phone call to the debtor for return of his money that being a lawful act, it cannot on its own constitute a ground to prosecute the creditor. Moreover, the deceased may have committed suicide on account of depression for not being able to clear of the debt.

14. In such circumstances, particularly when there is no material to indicate that the deceased was beaten or physically assaulted to return the dues, we are of the view that there is hardly any material on basis whereof it could be inferred that the appellant by demanding his dues abetted commission of suicide by the deceased. In our view, therefore, the continuance of the proceedings against the appellant would be a futile exercise and would amount to abuse of the process of the Court. Hence, to secure the ends of justice, it is necessary that the same be quashed.”

22. It has been held and observed by the Hon'ble Apex Court in the matter of Mahendra Awase (*supra*) in paras 19, 20, 21, 22 & 23 as under:-

“ 19. As has been held hereinabove, to satisfy the requirement of instigation the accused by his act or

omission or by a continued course of conduct should have created such circumstances that the deceased was left with no other option except to commit suicide. It was also held that a word uttered in a fit of anger and emotion without intending the consequences to actually follow cannot be said to be instigation.

20. Applying the above principle to the facts of the present case, we are convinced that there are no grounds to frame charges under Section 306 IPC against the appellant. This is so even if we take the prosecution's case on a demurrer and at its highest. A reading of the suicide note reveals that the appellant was asking the deceased to repay the loan guaranteed by the deceased and advanced to Ritesh Malakar.

21. It could not be said that the appellant by performing his duty of realising outstanding loans at the behest of his employer can be said to have instigated the deceased commit suicide. Equally so, with the transcripts, including the portions emphasised hereinabove. Even taken literally, it could not be said that the appellant intended to instigate the commission of suicide.

22. It could certainly not be said that the appellant by his acts created circumstances which left the deceased with no other option except to commit suicide. Viewed from the armchair of the appellant, the exchanges with the deceased, albeit heated, are not with intent to leave the

deceased with no other option but to commit suicide. This is the conclusion we draw taking a realistic approach, keeping the context and the situation in mind. Strangely, the FIR has also been lodged after a delay of two months and twenty days.

23. This Court has, over the last several decades, repeatedly reiterated the higher threshold, mandated by law for Section 306 IPC (Now Section 108 read with Section 45 of the Nyaya Sanhita, 2023) to be attracted. They however seem to have followed more in the breach. Section 306 IPC appears to be casually and too readily resorted to by the police. While the persons involved in genuine cases where the threshold is met should not be spared, the provision should not be deployed against individuals, only to assuage the immediate feelings of the distraught family of the deceased.”

23. It has been held and observed by Hon'ble Delhi High Court in the matter of **Smt. Sunil (supra)** in paras 25, 26, 28, 29 and 30 as under:-

“ 25. Harassment in the present case is alleged on account of exuberant rate of interest, threats of jail. visits to the home of deceased and constant calls by Respondent No.2. In allegations, there is also mention of a remark made by Respondent No.2 on one call, soon before the victim committed suicide, where he asked the victim to pay the dues or to commit suicide.

Pertinently, in his suicide note, the deceased has only mentioned the threat of jail as the reason of harassment.

26. Insofar as the remark in relation to suicide is concerned, even if the same is taken at the highest. such words of casual nature employed in heat of the moment are to be seen from a practical point of view, and the same alone does not reflect intention on part of the accused to incite the deceased into committing suicide. Even as per the statement of the petitioner, the remark only appears to be made in an attempt to pressure the deceased into making payment of the remaining dues.

28. Merely pursuing the borrower by way of repeated calls, or making occasional house visits where harsh words are said in the moment, for repayment are also not sufficient to prima facie raise grave suspicion against the accused qua instigating suicide.

29. Simple harassment is insufficient to make out a case of abetment and by no stretch of imagination can it be said that the accused created a scenario that left the deceased with no other option but to commit suicide. As has also been rightly appreciated by the learned Trial Court, in the face of threats of jail, the victim had the option of repaying the debt and facing legal consequences. Alternatively, in case the charged

interest was indeed usurious, the deceased was entitled to refuse payment and pursue his legal remedies in this regard instead.

30. It is imperative to appreciate that although financial distress and 'harassment' by Respondent No.2 (who was seeking to recover dues) may have been the motivating factors behind the suicide of the deceased, as is canvassed from the suicide note and statement of the petitioner, culpability cannot be attracted against the accused in absence of any mens rea. Even if the allegations of harassment are presumed to be correct, in their capacity as lenders, the intent of the accused appears to be to only pressurise the deceased to recover the loan amount and not to instigate the deceased into committing suicide. As also appreciated by this Court in the case of Laxmi Jha & Anr v. State & Anr: 2025: DHC:8234, while conduct of a person may be a reason for the victim to take their life, in the absence of active instigation, the said conduct cannot be equated with abetment to suicide. "

24. In light of the above judgments, in this present case also, it is evident that the appellant had merely demanded repayment of the loan amount due from the deceased- Balram Mandavi. PW-1 and PW-2 have categorically admitted that the accused was seeking recovery of his outstanding dues and had even warned him by saying that in the event of non-payment, he would go to the Court and initiate legal

proceedings for getting back his money. The evidence of PW-1 further reveals that the deceased had availed a bank loan for purchase of a tractor. Due to non-payment of the loan installments, the bank repossessed and auctioned the tractor. PW-1 has also admitted that the deceased was deeply distressed by the loss of the tractor and that these facts were specifically mentioned in the suicide note. He further admitted that a sum of ₹2,58,000/- remained outstanding towards the bank loan during the lifetime of the deceased. The suicide note itself reflects the financial liabilities of the deceased, including the outstanding bank dues and his mental state of health due to the loss of the tractor. The independent witnesses have also supported the defence version by acknowledging that the appellant/accused used to lend money on interest in the village and had demanded repayment of the amount due from the deceased. It is evident from all the witnesses that that no overt act done by the accused against the deceased and it is well settled principle of law that merely pursuing the borrower by way of repeated calls, or making occasional house visits where harsh words are said in the moment, for repayment are also not sufficient to *prima facie* grave suspicion against the accused qua instigating suicide. Consequently, the prosecution has utterly failed to prove the essential ingredients of abetment as contemplated under Section 107 IPC.

25. It has been held and observed by this Court in the matter of **Smt. Shaila (*supra*)** in para 13 as under:-

13. Even if the prosecution version is taken as true

and correct, there is no material on record to establish that the petitioner had adopted any coercive methods to recover her loan amount. Further, if there was any demand made by the petitioner, that cannot be treated as abetment as any person who has given loan would certainly like to get it back. If there was any unlawful activity performed by the petitioner in order to recover the loan amount, either the deceased or her husband could have taken shelter of any competent Court of law or at least made a complaint before the police authorities, which admittedly in this case is missing.

26. In the light of above, the prosecution has failed to prove its case beyond reasonable doubt against the accused for offence under Section 306 of IPC, but the learned trial Court did not minutely appreciate the material evidence on record in its correct perspective and erroneously recorded a finding of conviction. The conclusions drawn by learned trial Court are thus not sustainable in law and are liable to be set aside.
27. On the basis of aforesaid discussions,
 1. *Ex consequenti*, the **Acquittal Appeal No. 228 of 2015** filed by the appellants/complainants being devoid of any substance is hereby **dismissed**.
 2. The criminal appeal filed by the appellant- Ashok Kumar Wadhwani in **CRA No.1191 of 2015** is **allowed** and the impugned judgment of

conviction and order of sentence dated 21.09.2015 is hereby set-aside and the appellant is acquitted of the aforesaid charge.

The appellant is reported to be on bail, therefore, in view of provisions of Section 481 of BNSS his bail bond shall remain in operation for a period of six months from today.

The trial Court record along with a copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

SD/-
(Rajani Dubey)
JUDGE

AMIT PATEL