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This Case Explanation includes important Laws, background of case, Facts of case, question in matter, judgment and reference cases.

First

Important Laws covered in the case

- Section – 306 & Section - 107 of the Indian Penal code 1860
- Section – 173 & Section - 319 of the Code of Criminal Procedure 1973

Second

Background of the Case

The appeal is directed against the Judgement of the High Court in Criminal Revision.

Third

Fact of the Case

- A dispute arose between the 3 students , namely, Saurav Mahajan, deceased and Harminder Singh, of the same class.
- The dispute was with regard to the theft of a mobile phone which came to the notice Head of the Law Department.
- The deceased and Harminder Singh gave their written versions of the incident and thereafter Head of the Law Department forwarded their versions to the University authorities for taking necessary action.
- Consequently, the enquiry was conducted by the Security Officer of the University – the Appellant herein. During the course of the enquiry, the Saurav Mahajan committed suicide by Jumping in front of a train. Subsequently, during the search, A suicide note was recovered from the pocket of the deceased. The suicide note is important for Adjudicating and deciding this appeal.

Fourth

Question in the Matter

- Is the conviction of the appellant under Section 306 IPC merely on the basis of the allegation of harassment of the deceased?

- Is charge under section 306 IPC against the appellant palpably erroneous and unsustainable?
- Is any evidence and material available on record?
- What are the criteria require to convict a person under Section 306 of the IPC?

Fifth

Judgement Stated

- The court concluded that by no stretch the ingredients of abetment are attracted on the statement of the deceased. According to the appellant, the conviction of the appellant under Section 306 IPC merely on the basis of the aforementioned allegation of harassment of the deceased is unsustainable in law.
- The court also concluded that no conviction can be legally sustained without any credible evidence or material on record against the appellant. The order of framing a charge under section 306 IPC against the appellant is palpably erroneous and unsustainable. It would be travesty of justice to compel the appellant to face a criminal trial without any credible material whatsoever. Consequently, the order of framing charge under section 306 IPC against the appellant is quashed and all proceedings pending against him are also set aside.
- the court came to the conclusion that there is no evidence and material available on record wherefrom an inference of the appellant-accused having abetted commission of suicide.
- In order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide.

Sixth

Reference Cases used in Judgement

- Gangula Mohan Reddy V/S State of Andra Pradesh
- Mahendra Singh V/S State of Madhya Pradesh
- Ramesh Kumar V/S State of Chattisgarh
- State of West Bengal V/S Orilal Jaiswal
- Chitresh Kumar Chopra V/S State(Government NCT of Delhi)

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