

IN THE HIGH COURT OF MADHYA PRADESH
BENCH AT INDORE

(SB: Hon'ble Mr. Justice Alok Verma)

CRR No.975/2015

Suresh Chandra S/o Shiv Prasad Joshi

Vs.

State of MP

Shri Dharmendra Chelawat, learned counsel for the applicant.

Shri Piyush Jain, learned counsel for the respondent/State.

ORDER

(Passed on this 7th day of September, 2015)

This Criminal Revision under section 397 read with section 401 of Cr.P.C. is directed against the order passed by learned Special Judge, Indore, under SC/ST (Prevention of Atrocities) Act in Special Sessions Trial No.45/2014 dated 14.07.2015 wherein, learned Special Judge framed charges against the present applicant under sections 306/34 and 302/34 of IPC and under sections 3(2)(5) of SC/ST (Prevention of Atrocities) Act.

The facts giving rise to this revision are that present applicant is father of the main accused Hemant Joshi. It is

alleged that deceased Sonu Peruliya, who belongs to Scheduled Caste, was married to Jitendra Peruliya on 12.11.2005. They have one son also. About 4 years prior to the incident, the family shifted to Gautampura where, fare price shop was allotted to said Jitendra Peruliya. A year prior to the incident, main accused Hemant Joshi constructed a house in the neighbourhood of the family and wife of Jitendra Peruliya started working as a teacher in New Modern School which is situated adjacent to the house of the main accused Hemant Joshi. It is further alleged that said Hemant Joshi under threat of killing husband of the deceased Sonu and his son, made physical relationship with the deceased Sonu Peruliya. Subsequently, husband of the deceased sent her to her parental house, however, the main accused reached there also and brought his wife and kept her in his house. There, it is alleged that he either administered some poisonous substance to her or she herself consumed poisonous substance. She was admitted in the hospital by the main accused Hemant Joshi. Subsequently, she died. From the hospital, merger intimation was sent and after due investigation, crime was registered.

This revision is filed on the ground that no charge under

section 306/34 is made out against the present applicant, who is father of the main accused as, no ingredients of section 107 of IPC are present.

According to counsel for the applicant, there should be some overt act intentionally abating commission of suicide. Merely because, suicide was committed in their house, no charge is made out.

I have gone through the case diary and statements of the prosecution witnesses available.

It is established principle of law that a strong suspicion for offence and accusation are sufficient for framing of the charges. Prospects of conviction need not be seen at this stage.

In this case, from plain reading of statements of prosecution witnesses as well as that of husband of the deceased, it is apparent that main accused created such conditions and circumstances for the deceased in which she had no other option but to commit suicide. Social stigma, fear and guilt must be such, in which no other option was left for the deceased except to commit suicide. The present applicant being father of the main accused fully supported the main accused in creating such conditions.

Looking to the case of the prosecution from this angle, creating such conditions for the deceased, amounts to abatement under section 107 of IPC and, therefore, in the peculiar circumstance of the case, no case is made out for interference in the order of learned Special Judge under the power conferred to this Court under section 397 read with section 401 of Cr.P.C.

Accordingly, this revision is devoid of merit, liable to be dismissed and is hereby dismissed.

C.c as per rules.

(Alok Verma)
Judge

Kratika/-