

As two supreme court cases. the first is



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As against this Section 306 speaks of abetment of suicide in general and lays down that if any person commits suicide, whoever abets the commission of such suicide, shall be punished with either description for a term which may extend to 10 years, and shall also be liable to fine. The matter under the present discussion clearly falls under Section 306, i. e., where the husband or his relative by his wilful conduct creates a situation which he knows will drive the woman to commit suicide and she actually does so.

The scope of situations falling within the ambit of this category may be explained with the help of two Supreme Court cases. The first is Brij Lai v. Prem Chand} There one Veena Rani, a Bank employee, was married to one Prem Chand, an Advocate in 1973 and Veena died in 1975. There was overwhelming evidence to establish that life of the deceased was made intolerable by the accused Advocate by constantly demanding of her to get him money and also beating her frequently. In spite of the deceased wife writing to her brother and mother for a sum of Rs. 1000/- being sent immediately, the accused Advocate did not relent in his insistence for immediate compliance of his demand. He wanted the immediate payment of the said amount. So much so, that he went to the extent of saying that the deceased wife could go to hell but he should get the required money forthwith.

The deceased wife reacted by saying that because of the accused quarrelling with her every day over the payment of money, she preferred death to life in this world. The accused Advocate, far from expressing regret for his conduct drove her to despair by further saying that he could provide him relief quicker by dying on the very same day and that she need not postpone her

death to the next day. After leaving the deceased wife in the house, the accused Advocate went to the Court and one hour after the shrieks were heard coming from the house occupied by the accused husband and the deceased wife.

The local persons rushed to the house and saw the deceased wife lying on the ground with extensive burn injuries on her body. In hospital the doctor found her to have sustained severe burns and to be in a state of shock. At the autopsy, it was noticed that she had sustained 19 burn injuries. Her death was certified to be due to shock resulting from the burn injuries. During the trial the Additional Sessions Judge found the accused Advocate guilty under Section 306, I. P. C.

and sentenced him to undergo R. I. for four years. However, he was acquitted by the High Court.

The matter remained in the abeyance for about 11 years, finally, the case came up before the Supreme Court which took a very serious view of the matter and acquittal by the High Court was declared illegal. In the circumstances of the case, the Supreme Court held that the accused Advocate had instigated his wife to commit suicide and therefore he would be guilty under Section 306, I. P. C.

The Court pointed out that a person can abet the commission of an offence in any one of the three ways set out in Section 107. The case of the accused Advocate would squarely fall under the first category, viz., instigating a person to do a thing. However, when it was brought to the notice of the Court that accused Advocate had undergone imprisonment in connection

with the case for a period of about 10 months and more than 11 years had elapsed since the High Court had acquitted him the accused was now leading a settled life and that he and his family members would be ruined if he was sent back to prison to serve any further term of sentence, the Supreme Court, responding to such an appeal for leniency, took the view that taking all factors into consideration the ends of justice would be met if the sentence awarded to the accused were substituted with the sentence of imprisonment for the period already undergone by him and enhancing the sentence of fine from Rs. 500/- to Rs. 20, 000/- with a direction that out of the fine amount, if paid, a sum of Rs. 18, 000/- should be paid to the father of the deceased for bringing up her (deceased's) minor son. The second case of State of Punjab v.

Iqbal Singh exhibits more biting judicial teeth on the point. In the instant case the Trial Court had convicted all the three accused persons under Section 306, I. P.

C. and sentenced the husband to rigorous imprisonment for seven years and a fine of Rs. 5, 000/-, in default rigorous imprisonment for one year.

So far as the other accused were concerned they were sentenced to rigorous imprisonment for three years and a fine of Rs. 1, 000/- each, in default, rigorous imprisonment for three months. On appeal the order of conviction and sentence was set aside.

Then the State approached the Supreme Court by way of special leave. In the meantime the accused mother passed away. The appeal was, therefore, limited to the husband and his sister. Coming to the facts one Mohinder Kaur

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set herself and her three children in 1983, at the residence of her husband Iqbal Singh. The marriage had taken place seven or eight years before the incident. The deceased was working as a teacher while her husband was a clerk in the Punjab State Electricity Board office at Amritsar.

Soon after the marriage the demand for extra dowry strained the relations between them and the husband began to ill-treat the deceased wife.

Apprehending danger to her life and the life of her children, she had sought police protection also. Soon after a divorce deed was executed but was not acted upon.

The deed also showed that she apprehended blood-shed. Her efforts to secure transfer of her service to another school were also frustrated by the husband. The husband had kept up the pressure for extra dowry since marriage but this pressure was stepped by him after the demise of his wife's father on learning that her mother had received the G. P. Fund, Gratuity, etc., due to her father. Since she and her mother and brother were not able to meet this demand she was subjected to considerable torture. The last straw on the camel's back fell when she was severely beaten a day before she committed suicide.

An atmosphere was created to push her into taking the extreme step. The question was whether on the facts proved it could be said that either Iqbal Singh or his sisters were guilty of abetment. The Court first took note of Sections 107 and 108. 'Abetment' as defined in Section 107 comprises, (i) instigation to do that thing which is an offence; (ii) engaging in any conspiracy for the doing of that thing; and (iii) intentionally aiding by any act

or illegal omission the doing of that thing. Section 108 defines an abettor as a person who abets an offence or who abets either the commission of an offence or the commission of an act which would be an offence.

Then considering the application of these provisions to the facts of the case the Court stated thus: “ The word ‘ instigate’ in the literary sense means to incite, set or urge on; stir up, goad, foment, stimulate, provoke, etc. Since there is no question of parties being engaged in any sort of conspiracy we have to consider whether there was any intentional aiding for committing suicide”. (Id. 1535-36).

It was concluded that an “ atmosphere of terror was created to push her into taking the extreme step. It would seem it was a carefully chalked out strategy to provoke her into taking the extreme step to kill herself and her children as she apprehended that they will be much more miserable after she is dead and gone. In this fact situation can it be said that the husband had not been responsible in creating circumstances which would provoke or force her into taking the only alternative left open to her, namely suicide? Can it be said that the husband did not realise where he was leading her by his wilful conduct? We think..... the Trial Court had rightly convicted the husband under Section 306, I. P. C. We think that the High Court committed an error in reversing the conviction”.

(Id. 1537-38). As regards husband’s sister, she was given the benefit of doubt.