



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

- I. **CRA-S-2271-SB-2008 (O&M)**
- AJAY KOHLI** . . . APPELLANT
- Vs.
- UT CHANDIGARH** RESPONDENT
- II. **CRR-1136-2010 (O&M)**
- JAGAN NATH** PETITIONER
- Vs.
- STATE OF UT, CHANDIGARH AND OTHERS** RESPONDENTS
- III. **CRM-A-460-MA-2010**
- UNION TERRITORY, CHANDIGARH** APPELLANT
- Vs.
- SWARAN KOHLI AND ANOTHER** RESPONDENTS

RESERVED ON: 18.07.2025
PRONOUNCED ON: 21.07.2025

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued by:- Mr. P.S. Ahluwalia , Advocate, and
 Mr. Jaiveer Singh, Advocate,
 for the appellant.

Mr. Ankul Bali, Advocate, for
 Mr. Sumit Jain, Addl. P.P, UT, Chandigarh.

Mr. K.D.S. Hooda, Advocate,
 for the complainant.

DEEPAK GUPTA, J.

Background and Conviction: In Sessions Case No.14 of 2005, arising out of FIR No.211 dated 01.06.2005 registered at Police Station Sector 39,

Chandigarh, appellant Ajay Kohli and his mother, Smt. Swaran Kohli, were tried for offences under Sections 306 and 498A IPC. Vide judgment dated 10.11.2008, the learned Additional Sessions Judge, Chandigarh acquitted Smt. Swaran Kohli, but convicted Ajay Kohli under both the Sections. By a separate order dated 12.11.2008, appellant Ajay Kohli was sentenced to rigorous imprisonment for three years under Section 306 IPC and directed to pay ₹3.5 lakhs as compensation under Section 357(3) CrPC. Additionally, he was sentenced to two years' rigorous imprisonment and a fine of ₹2,500 under Section 498A IPC, with a default sentence of one month. Both sentences were ordered to run concurrently.

Appeals and Related Proceedings:

2. Ajay Kohli filed CRA-S-2271-SB-2008 challenging his conviction & sentence. Meanwhile, the complainant, Jagannath (*father of the deceased*) filed CRR-1136-2010 challenging the acquittal of Smt. Swaran Kohli and seeking enhancement of Ajay Kohli's sentence. The Union Territory, Chandigarh also filed CRM-A-460-MA-2010 for the same purpose. However, during the pendency of these proceedings, Smt. Swaran Kohli passed away. Accordingly, CRM-A-460-MA-2010 was disposed of as infructuous vide order dated 04.04.2025.

3. Subsequently, the State counsel made an oral request seeking modification of this order, contending that the appeal also sought enhancement of Ajay Kohli's sentence. This request is accepted. The order dated 04.04.2025 stands modified to clarify that CRM-A-460-MA-2010 is infructuous only with respect to Smt. Swaran Kohli, and shall continue as regards to sentence enhancement of Ajay Kohli.

Trial and Prosecution Evidence:

4.1 The prosecution case is that Smt. Anju @ Kirti was married to Ajay Kohli on 05.02.1998. Post-marriage, she was allegedly harassed for dowry by her husband and mother-in-law. She reportedly informed her parents of

repeated demands and maltreatment through letters. On 01.06.2005, Jagan Nath (PW1) received a call from Ajay Kohli stating that Anju had committed suicide. Upon reaching the house, he found her hanging from a ceiling fan.

4.2 Following the FIR registration, based on Jagan Nath's statement (Ex.PB), investigation commenced. The post-mortem confirmed death due to asphyxia by hanging, and the viscera analysis ruled out poisoning. After completion of investigation, a chargesheet was filed under Sections 306 and 498A IPC.

4.3 The prosecution examined 21 witnesses. PW1 (*complainant*) narrated instances of harassment, including demands for a gold bracelet (1999) & CD player (1999 Lohri). He also narrated an incident of 10.06.1999, when Anju had consumed phenyl and was rescued by a neighbour, namely Inderjit, by serving her lemon water. PW1 further alleged humiliation during a ceremony on 21.05.2005. He referred to letters written by Anju describing her sufferings. His version was corroborated by PW2 Ms. Mini Roy (cousin), PW3 Smt. Raj Kumari (mother), PW4 Tanesh Arora & PW5 Pankaj Arora (brothers), PW11 Ravinder Kaur (colleague), and PW12 Inderjit (neighbour). PW6, the medical examiner, confirmed the cause of death. PW21-Sehaj, daughter of the deceased and accused, testified to daily quarrels and beatings, and stated that her grandmother took her away from the house on the evening of the incident. Several official witnesses proved site plans, photographs, recovery memos, and forensic reports.

Defence Evidence:

5. The defence examined three witnesses. DW1-Dr. S.K. Khanna testified that Anju was treated for drug allergy between 1998 and 2004, producing related prescriptions. DW2 Dr. Veena Sarna produced Anju's pre-natal card dated 15.03.2000. DW3, a handwriting expert, confirmed that greeting cards (Ex.DW3/Q3 to Q8) with affectionate content were written by Anju to Ajay Kohli.

Submissions on Behalf of the Appellant:

6.1 Learned counsel for the appellant submitted that since the death occurred more than seven years after marriage, Section 113A of the Evidence Act (*presumption of abetment of suicide by a married woman*) was inapplicable. Therefore, the burden to prove ingredients of Section 306 IPC remained on the prosecution, which it failed to discharge.

6.2 It was emphasized that the appellant was not present at home at the time of the incident, having left at 9:00 AM and returned at 7:00 PM. Hence, reliance on Section 106 of the Evidence Act (exclusive knowledge) was misplaced.

6.3 Further, the prosecution's reliance on letters of deceased pertaining to period of 1999 & 2000 was immaterial being stale, as greeting cards (Ex.DW3/Q3 to Q8) from Anju to the appellant described him in affectionate terms. The trial court's rejection of these cards, on the ground that nothing written by the appellant was produced, was termed erroneous.

6.4 Learned counsel argued further that allegations regarding incidents of 21.05.2005 and 29.05.2005 were afterthoughts, as they were neither mentioned in the initial complaint Ex.PB made by PW1 to the police nor in police statements of other witnesses under Section 161 CrPC.

6.5 The testimony of PW21-Sehaj was also challenged for not being part of the initial investigation, and also considering the fact that she was brought to the court by her *Nana* (PW1) & *Mama* (PW5) and during cross-examination, she revealed that her mother (deceased) used to bang her head against the wall and her father (appellant) tried to stop her—facts ignored by the trial court.

6.6 It was also contended that even assuming allegations of 1999 & 2000 to be true, the same could not result in conviction under Section 498A IPC,

as no complaint was filed at the time, and the statutory period of limitation had lapsed.

6.7 With all these submissions, prayer is made for acquittal of the appellant Ajay Kohli, by setting aside his conviction & sentence.

Submissions on Behalf of the State:

7. The State counsel supported the conviction, arguing that consistent testimonies of close relatives and independent witnesses proved continuous harassment. Reliance was placed on PW21-Sehaj's testimony, highlighting the accused's cruel conduct. The State also sought enhancement of both sentence and compensation.

Court analysis:

8. This Court has carefully considered the rival submissions and perused the entire trial court record. This court is required to adjudicate on merits, particularly with regard to the sustainability of the conviction under Sections 306 and 498A IPC of Ajay Kohli, and the State's & complainant's prayer for enhancement of sentence & compensation.

9. Before considering the rival submissions of both the sides in the light of evidence on record, it is necessary to look at the relevant law on the subject. Sections 306 and 107 of the Indian Penal Code are relevant provisions to be noticed in order to determine the controversy. These are extracted 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 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*

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

Thirdly. - Intentionally aids, by an act or illegal omission, the going 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.”

10. Two basic ingredients of Section 306 of the IPC, which may be noticed are - (a) an act of suicide by one person and (b) the abetment to the said act by another person(s). In order to sustain a charge under Section 306 of the IPC, it is necessary to prove that the accused person contributed to the suicide by the deceased by some direct or indirect act and in order to prove such contribution or involvement, one of the three conditions outlined in Section 107 of the IPC has to be satisfied.

11. It has been recently observed by Hon'ble Supreme Court in ***Prakash vs The State Of Maharashtra, 2024 INSC 1020***, decided on 20.12.2024 as under:

“14. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well- established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and should put the victim in such a position that he/she would have no other option but to commit suicide.

15. The law on abetment has been crystallised by a plethora of decisions of this Court. Abetment involves a mental process of instigating or intentionally aiding another person to do a particular thing. To bring a charge under Section 306 of the IPC, the act of abetment would require the positive act of instigating or intentionally aiding another person to commit suicide. Without such mens rea on the part of the accused person being apparent from the face of the record, a charge under the aforesaid Section cannot be sustained. Abetment also requires an active act, direct or indirect,

on the part of the accused person which left the deceased with no other option but to commit suicide.”

12. In ***S.S.Chheena Versus Vijay Kumar Mahajan, 2010 (4) RCR (Criminal) 66***, Hon'ble Supreme Court considered the scope of Section 306 of the IPC and the ingredients, which are essential for abetment, as set out in Section 107 of the IPC and It observed as under:-

“16. In order to properly comprehend the scope and ambit of Section 306 Indian Penal Code, it is important to carefully examine the basic ingredients of Section 306 Indian Penal Code.

17. The word “suicide” in itself is nowhere defined in the Penal Code, however its meaning and import is well known and requires no explanation. “Sui” means “self” and “cide” means “killing”, thus implying an act of self-killing. In short, a person committing suicide must commit it by himself, irrespective of the means employed by him in achieving his object of killing himself.

20. In our country, while suicide in itself is not an offence, considering that the successful offender is beyond the reach of law, attempt to suicide is an offence under Section 309 Indian Penal Code.

22. The learned counsel for the appellant has placed reliance on a judgment of this Court in ***Mahendra Singh v. State of M.P., 1995 Supp. (3) SCC 731***. In Mahendra Singh, the allegations leveled were as under : (SCC p. 731, para 1)

“1.... My mother-in-law and husband and sister-in-law (husband's elder brother's wife) harassed me. They beat me and abused me. My husband Mahendra wants to marry a second time. He has illicit connections with my sister-in-law. Because of these reasons and being harassed I want to die by burning.”

23. The Court on the aforementioned allegations came to a definite conclusion 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 Indian Penal Code merely on the basis of the aforementioned allegation of harassment of the deceased is unsustainable in law.

24. The learned counsel also placed reliance on another judgment of this Court in ***Ramesh Kumar v. State of Chhattisgarh, 2001 (4) R.C.R.(Criminal) 537 : (2001) 9 SCC 618***. In this case, a three-Judge Bench of this Court had an occasion to deal with a

case of a similar nature. In a dispute between the husband and wife, the appellant husband uttered “you are free to do whatever you wish and go wherever you like”. Thereafter, the wife of the appellant Ramesh Kumar committed suicide. The Court in para 20 has examined different shades of the meaning of “instigation”. Para 20 reads as under: (SCC p. 629)

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do 'an act'. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.”

25. In this case, the court came to the conclusion that there is no evidence and material available on record where from an inference of the appellant- accused having abetted commission of suicide by Seema may necessarily be drawn.

26. In ***State of West Bengal v. Orilal Jaiswal, 1994(3) R.C.R. (Criminal) 186 : (1994) 1 SCC 73***, this Court has cautioned that the court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end the life by committing suicide. If it appears to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.

27. This Court in ***Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) 2009(4) R.C.R.(Criminal) 196 : 2009(5) R.A.J. 278 : (2009) 16 SCC 605***, had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the words “instigation” and “goaded”. The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's

suicidability pattern is different from the other. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be *decided* on the basis of its own facts and circumstances.

28. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases *decided* by this Court is clear that in order to convict a person under Section 306 Indian Penal Code 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.”

13. Hon'ble Supreme Court while dealing with Sections 306 and 107 of the Indian Penal Code in ***Gangula Mohan Reddy Vs. State of Andhra Pradesh, 2010 (2) Cri.L.J. 2110*** held as under:-

“1. In order to convict a person under Section 306 Indian Penal Code, 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 this act must have been intended to push the deceased into such a position that he committed suicide.

2. **Abetment involves a mental process** of instigating a person or intentionally aiding a person in doing of a thing - Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained.

3. There should be **intention to provoke, incite or encourage the doing of an act** by the latter - Each person's suicidability pattern is different from the others - Each person has his own idea of self-esteem and self-respect - Therefore, it is impossible to lay down any straight-jacket formula in dealing with such cases - Each case has to be decided on the basis of its own facts and circumstances. 2009(4) RCR (Crl.) 196 (SC) relied.”

Same view was taken ***M. Mohan Vs. State Tr. Dy. Supdt. of Police, 2010 (2) Cri.L.J. 2110 (SC)***.

14. Expressing similar view, Hon'ble Apex Court in ***Amalendu Pal alias Jhantu Versus State of West Bengal, 2010 (1) RCR (Criminal) 643*** observed, as under:-

“15. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 Indian Penal Code, the Court must scrupulously

examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 Indian Penal Code is not sustainable.

16. In order to bring a case within the purview of Section 306 of Indian Penal Code there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 Indian Penal Code.”

15. Hon'ble Supreme Court in ***Sanju alias Sanjay Singh Sengar v. State of M.P. 2002, Cri.L.J.2796*** has in emphatic words described, what is instigation. In that case, the accused had asked the deceased 'to go and die' and in that backdrop, Hon'ble Supreme Court observed as follows:-

“Even if we accept the prosecution story that the appellant did tell the deceased 'to go and die', that itself does not constitute the ingredient of 'instigation'. The word 'instigate' denotes incitement or urging to do some drastic or inadvisable action or to stimulate or incite. Presence of means rea, therefore, is the necessary concomitant of instigation. It is common knowledge that the words uttered in a quarrel or in a spur of the moment cannot be taken to be uttered with means rea.”

16. In ***Prakash vs The State Of Maharashtra (supra)***, Hon'ble Supreme Court, while referring to various precedents observed as under:

“18. More recently, in the case of ***Jayedepsinh Pravinsinh Chavda and Others v. State of Gujarat***, 2024 SCC OnLine SC 3679 : 2024 INSC 960 this Court relied on **S.S. Chheena (supra)** to hold that the element of mens rea cannot simply be presumed or inferred, instead it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law, that is deliberate

and conspicuous intention to provoke or contribute to the act of suicide, would remain unfulfilled. This Court observed as follows:

“18. For a conviction under Section 306 of the IPC, it is a well-established legal principle that the presence of clear mens rea—the intention to abet the act—is essential. Mere harassment, by itself, is not sufficient to find an accused guilty of abetting suicide. The prosecution must demonstrate an active or direct action by the accused that led the deceased to take his/her own life. The element of mens rea cannot simply be presumed or inferred; it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law is not satisfied, underscoring the necessity of a deliberate and conspicuous intent to provoke or contribute to the act of suicide.”

17. Thus, in view of the settled legal position as referred above, the prosecution is required to establish the following essential ingredients, in order to prove the abetment of suicide on the part of accused:

- (a) the deceased committed suicide;
- (b) accused abetted and played positive role with the intention that it results in suicide;
- (c) suicide is the direct result of the instigation.

18. It is in the light of the aforesaid legal position that evidence on record and the contentions raised by the learned counsel for both the parties are required to be analysed to find out the culpability of the accused-appellant in commission of suicide by deceased Smt. Anju. It is to be seen as to whether in the present case, the essential requirements are fulfilled by the prosecution to sustain conviction under Section 306 IPC or not.

19. It is undisputed that the marriage of the appellant with the deceased—Smt. Anju Kohli was solemnized on 05.02.1998. The death of the deceased occurred by suicide on 01.06.2005, i.e., after more than seven years of marriage. The fact of suicide is also supported by the medical evidence on record. Since the death occurred after more than seven years of marriage, the presumption under Section 113A of the Indian Evidence Act, 1872 is not attracted.

20. To prove the charges, the prosecution primarily relies upon:

- Three letters (Ex.PL, Ex.PM, and Ex.PN) allegedly written by the deceased to her parents in 1999 and 2000, referring to dowry demands and harassment.
- Testimonies of PW1 (father of the deceased) and other family members.
- Incident dated 10.06.1999 alleging the deceased consumed phenyl, and was saved by PW12 Inderjit.
- Oral allegations of cruelty and harassment leading up to the suicide.
- Testimony of PW21—child witness Sehaj, daughter of the deceased and appellant.

21. The two specific dowry-related incidents—demand of a gold bracelet and a CD player in 1999—stand corroborated by Ex.PL (letter dated 12.07.1999). Another letter (Ex.PN dated 14.11.2000) speaks generally of demands made on various pretexts. Ex.PM refers to alleged cruelty by the appellant and his family.

22. However, these incidents are stale—occurring five to six years prior to the death—and there is no proximate act or incident connecting them to the suicide dated 01.06.2005. The letters, while relevant, do not establish sustained cruelty or abetment proximate to the suicide.

23. The incident dated 10.06.1999 involving alleged phenyl consumption is uncorroborated by medical evidence. The deceased was not taken to a hospital, and the allegation is based solely on the claim that lemon water was served to her. This incident was disbelieved even by the trial court and rightly so.

24. Hon'ble Supreme Court in ***Mariano Anto Bruno v. State, (2023) 15 SCC 560 : 2022 SCC OnLine SC 1387***, in context of culpability under Section 306 IPC observed as under :

“45. ... It is also to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.”

25. The statements by PW1 regarding alleged harassment on 21.05.2005 and 29.05.2005 are absent from the original complaint (Ex.PB) and statements under Section 161 CrPC of other family members of the deceased. The omission of such material facts cast serious doubt on the credibility of these claims, and they appear to have been introduced subsequently during trial.

26. Other incidents relied by the prosecution are that on the day of marriage, the deceased was served with a simple *dal chapati*, or that she was not taken to the honeymoon on the pretext of financial constraints or that marriage was performed at Kisan Bhavan, Chandigarh instead of in Panchkula; or that the delivery of the child in 2000 took place at Panchkula and the expenses were borne by the parents of the deceased and not by the accused, have been rightly rejected by the trial Court so as to hold that neither these are connected with demands of dowry or nor these amounts to abetment within the meaning of Section 306 IPC.

27. Another incident referred by one of the witnesses - PW4 is that accused used to tell the deceased to ‘*go and die*’. However, PW4 has not disclosed as to when the accused had asked deceased to ‘*go and die*’. In these circumstances, this is a very vague statement made by PW4 which cannot be taken into consideration and has been rightly discarded by the trial Court.

28. Testimony of PW21—the child witness—is also of limited evidentiary value. While in her examination-in-chief, she stated that the deceased was often harassed, denied milk, and beaten, her cross-examination revealed that:

- Her mother used to bang her own head against walls and pull her own hair.

- The appellant often advised the deceased not to behave in such a manner before their child.
- She was brought to court by her maternal grandfather (PW1) and maternal uncle (PW5), and her statement was not recorded during investigation.

These factors collectively indicate tutoring, rendering her testimony unreliable.

29. Greeting cards written by the appellant to the deceased (Ex.DW3/Q3 to Q8), indicating affectionate behavior, were discarded by the trial court on the ground of being one-sided. However, in absence of any contrary evidence or claims of manipulation, such correspondence does provide relevant insight into the nature of their relationship and cannot be ignored.

30. As per the legal position noted earlier, to sustain conviction under Section 306 IPC, the prosecution must establish a proximate act of abetment. Mere harassment or cruelty in the remote past cannot *ipso facto* amount to instigation or abetment to commit suicide unless the conduct is proximate to the act of suicide.

31. The trial court erred in placing reliance on Section 106 of the Indian Evidence Act. The appellant, as per his statement under Section 313 CrPC, was not at home at the time of the incident. No evidence has been led by the prosecution to rebut this assertion. Thus, no adverse inference can be drawn.

32. The precedents relied upon by the trial court, such as *State of Punjab v. Kirpal Singh, 1991 (3) Recent Criminal Reports 495*; *State of Punjab v. Kashmir Singh, 1994 (3) Recent Criminal Reports 538*; and *Balwant Singh v. State of Haryana 2005 (3) RCR (Criminal) 124*, are inapplicable, as they involve circumstances, where the death occurred within seven years of marriage and/or continuous cruelty was established. In the present case, such essential elements are missing.

33. **Conclusion:** In the light of above discussion, it is held that the prosecution failed to prove any act of cruelty or harassment proximate to the suicide, in as much as:

- Incidents relied upon are stale and disconnected from the act of suicide;
- Material omissions in statements under Section 161 CrPC raise doubt on the credibility of prosecution witnesses;
- Section 113A of the Indian Evidence Act is inapplicable, and Section 106 cannot be pressed in aid due to lack of proximity or presence of the accused.

34. Therefore, the conviction of the appellant–Ajay Kohli under Sections 306 and 498A IPC is liable to be set aside.

35. **ORDER:** The appeal [CRA-S-2271-SB-2008] is allowed. The conviction and sentence of the appellant Ajay Kohli under Sections 306 and 498A IPC, as recorded by the trial court vide judgment dated 10.11.2008, are hereby set aside. The appellant is acquitted of all charges. Bail bonds, if any, stand discharged.

36. The revision [CRR-1136-2010] as filed by the complainant and CRM-A-460-MA-2010 as filed by State, for enhancing the sentence of the accused Ajay Kohli or enhancing the compensation also stands disposed of having been rendered infructuous in view of the acquittal of the accused-Ajay Kohli.

21.07.2025

Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned? Yes

Whether reportable? Yes