



2026:DHC:2734



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment Reserved on: 25.03.2026
Judgment pronounced on: 02.04.2026

+ **CRL.A. 449/2016**

ALTAMAS KHAN

.....Appellant

Through: Ms. Parul, Mr. Ishu Arora and Ms.
Manzsha, Advocates.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Mahendra Yadav, P.S. Vasant
Vihar.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. This appeal under Section 374 of the Code of Criminal Procedure, 1974 (the Cr.P.C.) has been filed on behalf of the sole accused in Sessions Case No. 24/2014 on the file of the Additional Sessions Judge, Patiala House Courts, New Delhi, assailing the judgment dated 17.03.2016 and order on sentence dated 05.04.2016 as per which he has been convicted for the offence punishable under Section 306 of the Indian Penal Code, 1860 (the IPC).



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2. The prosecution case is that on 02.07.2013 at about 04:00 AM at Room No. 54/1, Munirka Village, Delhi, Shivani, daughter of PW5, committed suicide due to harassment both physical and mental by the accused. Hence, as per the charge-sheet/final report the accused is alleged to have committed the offence punishable under Section 306 IPC.

3. On the basis of Ext. PW5/A FIS/FIR of PW5, the father of the deceased, given on 02.07.2013, Crime No. 141/2013, Vasant Vihar Police Station, that is Ext. PW7/A FIR was registered by PW7, Head Constable. PW18 conducted investigation into the crime and on completion of the same, filed the charge-sheet/final report alleging the commission of the aforementioned offence.

4. When the accused was produced before the jurisdictional magistrate, all the copies of the prosecution records were furnished to them as contemplated under Section 207 Cr.P.C. Thereafter, the case was committed to the Court of Session. After



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hearing both sides, the trial court, as per order dated 21.01.2014, framed a charge under Section 306 IPC, which was read over and explained to the accused, to which he pleaded not guilty.

5. On behalf of the prosecution, PWs.1 to 24 were examined and Exts.PW1/A, PW1/B, PW2/A,PW2/B, PW3/A, PW3/B, PW4/A,PW4/B, PW5/A to PW5/G, PW6/A, PW6/B,PW7/A, PW7/B, PW8/A, PW9/A to PW9/E,PW10/A, PW14/A to PW14/F, PW16/A, PW16/B, PW18/A, PW18/B, PW19/A to PW19/D, PW19/D1, PW20/A to PW20/F, PW21/A to PW21/H, PW22/A, PW22/B and PW24/A were marked in support of the case.

6. After the close of the prosecution evidence, the accused was examined under Section 313(1)(b) Cr.P.C. with respect to the incriminating circumstances appearing against him in the evidence of the prosecution. The accused denied all those circumstances and maintained his innocence. The accused submitted that he was



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falsely implicated in the present case by the police and the family of the deceased. The suicide note is fabricated. Shivani committed suicide due to harassment by her own family members.

7. No oral or documentary evidence was adduced by the accused.

8. After questioning the accused under Section 313(1)(b) Cr.P.C., compliance of Section 232 Cr.P.C. was mandatory. In the case on hand, no hearing as contemplated under Section 232 Cr.P.C. is seen done by the trial court. However, non-compliance of the said provision does not *ipso facto* vitiate the proceedings unless omission to comply with the same is shown to have resulted in serious and substantial prejudice to the accused (see **Moidu K. versus State of Kerala, 2009 (3) KHC 89; 2009 SCC OnLine Ker 2888**). Here, the appellant/accused has no case that non-compliance of Section 232 Cr.P.C. has caused any prejudice to him.



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9. On consideration of the oral and documentary evidence and after hearing both sides, the trial court, *vide* the impugned judgment dated 17.03.2016, found the accused guilty of the offence punishable under Section 306 IPC. Accordingly, *vide* order on sentence dated 05.04.2016, the accused has been sentenced to simple imprisonment for a period of 04 years along with fine of ₹50,000/- and in default of payment of fine, to simple imprisonment for six months. Benefit under Section 428 Cr.P.C has been granted. Aggrieved, the accused has come up in appeal.

10. It was submitted by the learned counsel for the appellant/accused that Ext. PW4/B the alleged suicide note and the pen used to write it were never sent to the Forensic Science Laboratory (FSL) for examination. Moreover, even to the naked eye, the signature of the deceased on Ext. PW5/G the appointment letter differs significantly from the signature and handwriting appearing in the alleged suicide note. The testimony of PW4, sister



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of the deceased, regarding frequent calls made by the deceased to her has not been conclusively established. Rather, the Call Detail Records (CDR) indicate that both the accused and the deceased were in regular contact with each other.

10.1. It was further submitted that there are inconsistencies in the testimony of the prosecution witnesses regarding the recovery of the suicide note. PW9 stated that the suicide note was written on a single sheet of paper, whereas PW18 stated that a diary was recovered, inside which the suicide note was found. Ext. PW14/A the seizure memo also records that the suicide note was written on one of the pages of a diary. Further, it was submitted that the deceased lacked job satisfaction, as she had been trained to become an air hostess but remained employed in a call centre against her aspirations. The post-mortem examination also reveals that the deceased had consumed considerable amount of liquor before her suicide. These aspects could have led her to commit suicide.



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Therefore, the prosecution has failed to prove beyond reasonable doubt the guilt of the accused, argued the defence counsel.

11. On the other hand, it was submitted by the learned Additional Public Prosecutor that there is no infirmity in the impugned judgment calling for an interference by this Court. The materials on record is sufficient to convict the accused persons, argued the prosecutor.

12. Heard both sides and perused the records.

13. I shall briefly refer to the evidence on record relied on by the prosecution in support of the case. In Ext. PW5/A FIS/FIR of PW5, recorded on 02.07.2013, it is stated thus: *“My youngest daughter Shivani had come from Haridwar to Delhi two years ago for a job, and currently, she was working in a call centre named Convergys in Gurgaon. About six months ago, I came to know that my daughter is friends with a boy named Altamas. When I asked her about this, she told me that Altamas also lived in a building*



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next to hers and that he was a good friend. On 29.04.2013, it was my daughter Pooja's wedding, in which Altamas and Anjali also came along with Shivani. All three of them stayed in Haridwar for three days. After that, all three returned to Delhi together. On 10.06.2013, Shivani again came to Haridwar, and she looked very disturbed. When we asked her the reason for her trouble, she told us that Altamas harasses her and also beats and fights with her. Shivani came back to Delhi from Haridwar on 16.06.2013, and before leaving, she told me that she would soon leave her job in Delhi and return to live in Haridwar. When Shivani was in Haridwar, Altamas used to call her daily and trouble her. About three to four days ago, she had also called Shivani's home and told that Altamas troubles her. My daughter Shivani, being upset with Altamas, committed suicide. Altamas is responsible for Shivani's suicide. Altamas must have harassed Shivani by calling her at



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night. My daughter, Pooja, also told me that Altamas keeps fighting and harassing Shivani.”

14. Exhibit PW6/A, the Section 164 statement of PW6, a friend of the deceased, is seen recorded on 08.08.2013, in which she states thus: - “She and Shivani were roommates. Shivani’s boyfriend, Altamas Khan, lived in the adjacent building. Shivani used to routinely have fights with Altamas, who was pressuring her for marriage. However, Shivani did not want to marry him as she had an unmarried elder sister. Altamas was very possessive about Shivani and she was quite scared of him. About a week before the incident, Altamas came to her room and told her to shift. On that day, some of Altamas’s friends had also come over, and Shivani and Altamas had fought. Shivani later told her that Altamas had said he would have killed her had his friends not been around, which left Shivani quite upset. Shivani was also upset about her job, as she wanted to work in the airline industry but was stuck at



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Convergys. On 01.07.2013, she shifted from that room. On 30.06.2013, she spent the night with Shivani and they had dinner at a restaurant in Munirka, the name of which she could not recall. Shivani expressed sadness that she was leaving the room because of Altamas. Then, on 02.07.2013, at around 4:00 AM, Shivani committed suicide.”

15. PW5, father of the deceased, when examined before the trial court on 07.04.2014, deposed that Shivani, his youngest daughter, had come to Delhi approximately two years prior to her death. Shivani had completed a course to become an air hostess and was employed at a Company named “Convergys”. About three to four months before her death, Shivani informed him that she was on friendly terms with Altamas (the accused), who resided in a room adjacent to her room. On 29.04.2013, for the marriage of Pooja, his eldest daughter, Shivani, Altamas, and Anjali, a friend of Shivani, came to Haridwar to attend the function. They stayed at his house



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for about three days before returning to Delhi. On 16.06.2013, Shivani visited Haridwar again. Shivani did not tell him anything, but she was busy on her phone all day. When asked, she said she was conversing with her friends. She left Haridwar on 16.06.2013 and came back on 13.06.2013. Before leaving, Shivani told him that she would soon leave her job in Delhi and return to live in Haridwar around Diwali. On 02.06.2013, he received a phone call from the Investigating Officer (IO) of the present case, SI Kuldeep, informing him that his daughter had met with an accident and that he should immediately reach Delhi. He, along with his wife, daughter Pooja and her husband Harsh, travelled to Delhi. While on the way, he informed other relatives and friends to reach at the Vasant Vihar police station. Upon reaching Delhi, he learnt that Shivani had committed suicide and had been taken to AIIMS. The police informed him that Altamas had called someone to check on Shivani. He does not know that person. However, that person, upon



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checking, realised that Shivani had committed suicide. PW5 deposed that he had seen Ext. PW4/B suicide note and confirmed that the same had been signed by Shivani.

15.1. During the examination-in-chief, the prosecutor requested permission of the trial court to put leading questions to PW5, which request is seen allowed by the trial court. On further examination, PW5 deposed that when Shivani came to Haridwar on 10.06.2013, he found her quite disturbed. On asking, she told him that Altamas used to beat her and quarrel with her. Altamas called her every day while she was in Haridwar and used to harass her. Three to four days before her death, Shivani had told him that Altamas used to harass her. PW5 also deposed that Shivani committed suicide due to Altamas's harassment, and that the latter might have called her the night before her death.

15.2. PW5, during his cross-examination, deposed that he received information from SI Kuldeep at 08:00 PM and reached the



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Vasant Vihar police station around 03:00 PM along with his wife, daughter Pooja and her husband. He saw the dead body of his daughter the next day. He never visited the room where Shivani lived. His statement was recorded at the police station between 04:00 PM and 05:00 PM. He does not know when the diary was taken into possession by the police. He saw the suicide note at the police station. At the time of the wedding of his daughter Pooja, both Shivani and the accused were behaving normally. According to PW5, he had only been told of the quarrels, and to his knowledge, there were normal relations between the accused and Shivani. He had only read the suicide note and he had not read the other pages in the diary. The diary and mobile were not seized in his presence. He denied the suggestion that his daughter was never harassed by the accused. PW5 denied the suggestion that he and his family were not happy regarding the friendship between his daughter and the accused due to religious differences. He further



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denied the suggestion that Shivani committed suicide due to harassment from her own family members or by himself.

16. PW6, a friend of Shivani, when examined before the trial court, deposed that she had known Shivani for about three years. In July, 2013, she was employed at the Jack and John Showroom, Ambience Mall, Vasant Kunj, and was residing in Munirka. She shared a room with Shivani for about two months before moving out on 30.06.2013. PW6 deposed that she knew the accused Altamas as he was a friend of Shivani. The accused lived on the top floor of the adjoining building. After she left, Shivani resided in the room alone. PW6 deposed that Shivani and the accused shared a very close relationship, spent time together, went out together, and shared meals. Both Shivani and she travelled to Haridwar to attend the marriage of Shivani's sister, and the accused joined them later. After approximately three days, they returned to Delhi. She never personally saw the accused and Shivani fighting,



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though Shivani would sometimes mention quarrels between them. PW6 further deposed that whatever she stated in her 164 statement was true and nothing was false.

16.1. During the examination-in-chief, the prosecutor is seen to have requested permission to “cross-examine” PW6 as she was recanting from her earlier statement, which was allowed by the trial court. On further examination, PW6 deposed that Shivani and the accused were in a live-in relationship. She denied the suggestion that the accused used to beat Shivani and that Shivani had injury marks on her body. However, she admitted that Shivani would sometimes come out of the accused's room crying. Shivani told her that the accused had threatened to kill her. PW6 further confirmed that Shivani told her that on 22-23.06.2013, the accused fought with and beat Shivani, placing a knife to her neck, from which Shivani managed to escape.



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16.2. PW6, in her cross-examination, deposed that she had never witnessed a quarrel between the accused and Shivani. She had lived with Shivani for about six months, but did not recall the house number or the owner, though she knew the caretaker, Prashant. PW6 deposed that no police verification was carried out during her tenancy and she did not have any documentary evidence regarding her tenancy in the said house. PW6 further deposed that the accused was not present on the day of the incident and had left for Kanpur four to five days prior. Shivani loved the accused and spent most of her time with him. She did not know whether the deceased's parents were against a matrimonial alliance between the two. She did not know the reason for Shivani's suicide. She denied the suggestion that she was deposing falsely or that she had not resided with Shivani.

17. PW4, the sister of the deceased, when examined before the trial court on 07.04.2014, deposed that she last met Shivani on



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16.06.2013 at her house in Haridwar. Shivani was receiving phone calls from Altamas on the said date, however the former was not attending his calls. On being asked, Shivani said that she would go to Delhi and speak to the accused. On 02.07.2013, she received information regarding Shivani's death. About six months before her marriage, Shivani had told her that Altamas was her friend. For her marriage, the accused, Shivani, and a friend of Shivani had attended the ceremony and stayed in Haridwar for 2 to 3 days. After the marriage, Shivani used to tell her during conversations that the accused frequently quarrelled with her, harassed and also beat her. Shivani had stayed with her for one night on 16.06.2013 and stayed with her parents for 2 to 3 days. Shivani had expressed her intention to leave her job in Delhi and return to Haridwar. PW4 further deposed that after reading the suicide note and being shown the call records between Shivani and Altamas by the police, she named the accused as the person responsible for Shivani's death. The police



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had also told her that neighbours had reported frequent quarrels between Shivani and the accused. According to PW4, she used to talk to Shivani almost every week, sometimes every 2 to 3 days.

17.1. During the examination-in-chief, the prosecutor is seen to have requested permission to put some leading questions to PW4, which request is seen allowed by the trial court. PW4 further deposed that Shivani had come home on 10.06.2013, at which time she appeared disturbed and attributed it to harassment by the accused. While in Haridwar, Shivani was harassed by the accused over phone calls, which the former sometimes avoided answering. Shivani returned to Delhi on 16.06.2013. About 3–4 days prior to her death, Shivani told her that Altamas “*usey kaafi pareshan karney laga h*”. PW4 on being shown a photocopy of the suicide note marked as Ext. PW4/B, identified it as written and signed by Shivani.



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17.2. PW4, during cross-examination, deposed that she did not know where the accused was residing at the time of Shivani's death. She admitted that the accused and Shivani behaved normally during the time of her marriage functions. She came to know that Shivani was disturbed only after speaking to her post-marriage. She had never complained about the harassment to any of their relatives and had not visited Delhi after her marriage. She admitted that she had not personally witnessed any harassment by the accused and could not specify exact dates or the times when Shivani informed her about such incidents. She was unaware of the personal relationship between Shivani and the accused. She denied the suggestion that family members were annoyed with Shivani as the accused was from a different religion. In her presence, no photographs were taken, nor was any mobile phone or diary seized. PW4 also deposed that in a TV interview after the incident, she had



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not attributed any role to the accused. PW4 deposed that Shivani had never told her that she intended to marry the accused.

18. PW8, a tenant in the building where the accused was residing, when examined before the trial court, deposed that he was working on a project at JNU University and was also employed as a Senior Technical Engineer in the Sanskrit Lab. He was residing on the third floor of the building, where the accused was residing on the fifth floor. On 02.07.2013 at about 04:00 AM, he received a call on his number from the accused. The accused told him that Shivani was not answering his calls and requested him to go to her residence to check on her. Acting on this request, he went to the first floor of the building where Shivani resided. He noticed that the lights were turned on and the windows were open. Upon peeping inside, he saw Shivani hanging from the fan. He became frightened and so did not answer further calls from the accused. He then went to the police station at approximately 06:30-07:30 AM and



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informed the police about the incident. Thereafter, a police officer accompanied him to the place of occurrence.

18.1. At this stage, the prosecutor is seen to have sought permission of the trial court to cross-examine PW8 on the ground that he was not disclosing the complete facts. The request was allowed by the trial court. On further examination, PW8 deposed that he had received a call from the accused from mobile number 8400092092. However, he denied the suggestion that the accused had told him that his girlfriend Shivani had threatened to commit suicide. He admitted that he had peeped through the *roshan dan* into the room. He denied stating that he had informed the accused Altamas over the phone that the girl was found hanging in the room. He further denied that the caretaker Prashant (PW1) had come to the room. PW8 denied having seen an open diary on the bed or a suicide note written on it, or the police seizing it. He also denied seeing a mobile phone on the bed or the same being seized



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by the police. He further denied having stated to the police that the caretaker (PW1) had handed over any verification form to the IO on which the address and contact number of Shivani's parents were mentioned, or that they had given a written complaint or that Shivani's parents had identified the suicide note. He also denied having stated that the accused and Shivani used to quarrel frequently or that she was beaten by the accused, leading to her suicide. He denied the suggestion that he was deposing falsely or had been won over by the accused.

19. PW1, the caretaker of the building in which the deceased was residing, deposed that he had handed over the deceased's tenant verification form to the IO. On 02.07.2013, he visited the room of the deceased with the police. The door of the room, which was closed from the inside, was broken, and Shivani was found hanging from the ceiling fan. In his presence, nothing had been done or seized by the police. He had not entered the room



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because of fear, and from the outside, he had seen one box and a mattress lying on the floor. He had not seen the accused with the deceased at any point in time. He was unable to recall if any suicide note was lying on the bed. PW1 deposed that he is unaware as to whether the accused and the deceased were friends, or that the accused was residing in an adjacent building, or that the accused publicly had beaten the deceased. He denied the suggestion that he was deposing falsely to save the accused.

19.1. PW1, in his cross-examination, deposed that Anjali (PW6) was never a tenant in the building and that he had never spoken to her.

20. PW2 the then Moharrir Head Constable (*Malkhana*), Vasant Vihar police station, deposed that SI Kuldeep (PW18) deposited the case property, that is, one cloth chunni, one chatakni, one diary containing a suicide note, one mobile phone micromax black colour, and one pen, relating to which he made an entry in



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register no. 19. PW2, in his cross-examination, admitted that the suicide note was never sent for any examination.

21. PW3, then Constable, Vasant Vihar police station deposed that Atma Prakash (PW8) had come to the police station and given information about the suicide. He accompanied SI Kuldeep (PW18) to the room of the deceased. The doors and windows of the room were closed from inside, but the light was turned on. By peeping from the ventilator (*roshandaan*), a girl was found hanging from the ceiling fan. The caretaker of the building, namely, Prashant (PW1), gave the name and details of the deceased and handed over her tenant verification form on which the contact number and name of her father were mentioned. PW5, the father of the deceased, was informed about the incident. The door of the room was broken. A suicide note and a diary were found on the bed. A mobile phone was also lying nearby. The said items along with a piece of the chunni, chatkani of the broken door were seized. The



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body of Shivani was sent to AIIMS hospital. The blank diary containing the suicide note on page dated 16/17.05.2012 was identified by PW3 and the diary was marked as Ext. P1.

21.1. PW3, in his cross-examination, deposed that the articles were seized from the scene at about 06:30 AM, and that the seizure memo had been prepared at the police station. He denied the suggestion that no documents were prepared in the morning, or that no diary containing the suicide note was found on the spot. He denied the suggestion that the diary/suicide note was later on fabricated and planted in this case.

22. PW9, a then Constable, Vasant Vihar police station, deposed that on 02.07.2013 he had visited the scene of the incident along with the IO and found the door closed. They broke open the door of the room and saw a girl hanging from the fan. He noticed a suicide note and a mobile phone lying on the bed in the room. He took the dead body to the AIIMS mortuary.



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22.1. PW9, in his cross-examination, deposed that the police reached the spot between 08:00 AM and 09:00 AM. The suicide note was on one piece of paper. The mobile and the suicide note were not seized in his presence. He denied the suggestion that he was not present at the spot or that no suicide note or mobile phone was found at the spot.

23. PW14, Head Constable, Vasant Vihar police station deposed that SI Kuldeep (PW18) had showed him a diary at the police station, which was identified by Rajinder (PW5), father of the deceased. The IO also showed a suicide note and pen to PW5, who confirmed the handwriting and pen to be of the deceased. On 02.07.2013, after about 11:30 PM, he, along with SI Kuldeep (PW18), Ct. Sandeep and Ct. Sanjeev proceeded to Kanpur to apprehend the accused Altamas. They later arrested the accused from his residence.



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24. PW14, in his cross-examination, admitted that he had not referred to the seizure of the suicide note, pen or mobile phone in his statement recorded by the IO on 04.07.2013.

25. PW18, the IO, deposed that on 02.07.2013 he was posted at the Vasant Vihar police station and was on night emergency duty from 08:00 PM to 08:00 AM. He was informed of the incident by Atma Prakash (PW8). On receipt of the information, he, along with Atma Prakash (PW8) and Constable Ashok, (PW3) proceeded to the scene of the incident. Upon reaching the premises, he found the door of the room was bolted from inside. When he looked through the *roshandan*, he saw a woman hanging from the ceiling fan. The woman was later identified as Shivani. The crime team was called to the spot, and the door was broken open in their presence. Photographs of the scene were taken. A diary was recovered from the bed on which a suicide note was found. A mobile phone and a pen were also found at the spot. The body was



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brought down by cutting the cloth, and it was sent to AIIMS. Information was given to Rajender Kumar (PW5), the father of the deceased, who arrived from Haridwar and submitted a written complaint. PW8 deposed that during the investigation, it was revealed that the accused was residing in Kanpur. Accordingly, on 03.07.2013, he, along with HC Ravinder (PW14) and Constable Sandeep, went to Kanpur and with assistance from the local police, arrested the accused.

25.1. PW18, during cross-examination, deposed that the FIR was registered approximately 12 hours after the information was received and after the arrival of the deceased's family. He admitted that he had not sent the suicide note for handwriting analysis to the FSL. He admitted that no prior complaints of harassment by the accused were given.

26. The fact that Shivani committed suicide by hanging herself is not disputed. The only point that arises for consideration



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is whether the appellant/accused can be held responsible for abetment of her suicide as contemplated under Section 306 IPC. As per Section 306 IPC, whoever abets the commission of suicide of any person is liable to be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. The parameters of abetment, as stated in Section 107 IPC, are - a person abets the doing of a thing, if he instigates any person to do that thing, or 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, or the person should have intentionally aided any act or illegal omission. 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 is clear that in order to convict a person under



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Section 306 IPC, there has to be a clear *mens rea* to commit the offence. It also requires an active act or direct act that 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. (See **S. S. Chheena v. Vijay Kumar Mahajan, (2010) 12 SCC 190, M. Mohan v. State, (2011) 3 SCC 626 and Gurcharan Singh v. State of Punjab, (2020) 10 SCC 200**).

26.1. In **Amalendu Pal v. State of W.B., (2010) 1 SCC 707 : (2010) 1 SCC (Cri) 896**, the Apex Court held that before holding an accused guilty of an offence under Section 306 IPC, 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



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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. In order to bring a case within the purview of Section 306 IPC, 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 IPC.

27. In the case on hand, the prosecution relies on the testimony of PW4, PW5, PW6 and PW8, along with Ext. PW4/B, the suicide note. PW4 and PW5 have deposed about harassment by



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the accused. However, their statements are based only on what the deceased is alleged to have told them and not on their own personal knowledge. Both PW4 and PW5 have admitted in cross-examination that they never personally witnessed any harassment. They also admitted that no complaint was ever made to the police and that they could not state any specific date, time, or incident of such alleged harassment. PW6, who was the roommate of the deceased and the only witness who had direct knowledge of the relationship, had also never personally seen them fighting, although according to her, the deceased would sometimes mention quarrels. She had also deposed that the accused and the deceased were in a close relationship, spent time together, went out, shared meals, and were even in a live-in relationship. She denied that the accused used to beat the deceased or that there were any visible injury marks on her body. At the same time, PW6 deposed that the deceased would sometimes come out crying and had told her that the accused had



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threatened her. She also referred to one incident where the accused allegedly fought with the deceased and placed a knife on her neck. However, she admitted that she had never personally witnessed any such quarrel. PW6 further stated that the deceased loved the accused and spent most of her time with him. She does not know whether the family opposed their relationship and also stated that she does not know the reason for the suicide. Thus, even the testimony of PW6 does not clearly establish consistent or direct evidence of harassment by the accused. The testimony of PW8, an independent witness, also has not supported the prosecution case regarding harassment.

28. Ext. PW4/B the suicide note of the deceased reads thus:-

“I am sorry papa mummy for what I am about to do. I know you guys never forgive but I am sorry I have no choice. I have chosen the wrong person for me. I am not able to tolerate his threats anymore. Before he takes my life. I am sorry.”



29. Section 32 (1) of the Indian Evidence Act, 1872 (the IEA) is an exception to the rule of hearsay and makes admissible the statement of a person who dies, whether the death is a homicide or a suicide, provided that the statement relates to the cause of death or to circumstances leading to death. (See **Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116**) Hence, a suicide note is admissible, coming under the ambit of Section 32(1).

30. However, the prosecution version of seizure of Ext. PW4/B, the alleged suicide note raises doubts in the mind of the Court. A careful examination of the testimony of prosecution witnesses reveal serious inconsistencies regarding the nature of the note, its presence at the scene of recovery and place of recovery. PW3 deposed that *one suicide note and diary were found on the bed*, and the same were seized along with other articles. PW18, the IO deposed that *one diary was also recovered from the bed of the*



deceased on which a suicide note was recovered. However, PW9 gave a different version, deposing that *he had observed one suicide note and one mobile phone lying on the bed in the room.* There was no mention of any diary in PW9's version. PW2 stated that *one diary containing suicide note* was deposited in the *malkhana*. In contrast, PW8 denied seeing any *diary lying open on the bed or suicide note written on it* in his presence. PW1, the caretaker, deposed that he could not recall whether any suicide note was present. PW14 stated that the diary and note were shown to him at the police station. The IO has also failed to explain why the alleged suicide note was not sent to the FSL for examination. There is difference in the signature of the deceased seen in Ext. PW5/G, the appointment letter of the deceased and in Ext. PW4/B, the alleged suicide note. In such circumstances, examination of PW4/B by an expert was necessary. Further, PW5/C seizure memo relating to the recovery of the mobile phone seen on the bed near the place of



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occurrence according to PW18, the IO and PW3, a Constable were seized in the morning itself. Even going by the prosecution case, PW5, the father of the deceased reached Delhi only in the evening. If that be so, how could PW5 be a witness in Ext. PW5/C, the seizure memo. Further, there is also ambiguity as to whether the suicide note was part of the diary or was it a single sheet of paper torn from the diary and kept inside the diary. If it was part of the diary, why was it torn from the diary and only the single sheet produced? In the testimony of PW3, the diary is referred to as Ext. P1. However, on going through the trial court record, I am unable to find Ext. P1. Therefore, on an entire reading of the materials on record, I find that the prosecution has not been able to prove the offence of abetment of suicide beyond reasonable doubt. The testimony of the witnesses does indicate the role of the accused. PW8, a neighbour of the accused deposed that it was at the request of the accused that he had gone to the room of the deceased at



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04:00 A.M. on 02.07.2013. According to PW8, the accused called him and said that Shivani was not responding to his calls and so requested the former to go to her room and check. Why was the accused calling Shivani at the early hours of 02.07.2013? Did some fight/quarrel or talk take place between them which ultimately led to the suicide? Suspicions do arise. But suspicions, however, strong cannot take place of proof and hence I find that the appellant/accused is entitled to the benefit of doubt.

31. In the result, the appeal is allowed, and the impugned judgment is set aside. The appellant/accused is acquitted under Section 235(1) Cr.P.C. of the offence charged against him. He is set at liberty and his bail bond shall stand cancelled.

32. Application(s), if any, pending, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

APRIL 02, 2026

p'ma/rs