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**(1985) 03 RAJ CK 0018**  
**In the Rajasthan High Court**  
**Case No : Criminal Revision No. 227 of 1984**

Hazarilal and Banwarilal

APPELLANT

Vs

State of Rajasthan

RESPONDENT

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**Date of Decision :** 25-03-1985

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 161  
Penal Code, 1860 (IPC) — Section 306

**Citation :** (1985) WLN 221

**Hon'ble Judges :** G.K. Sharma, J

**Bench :** Single Bench

**Final Decision :** Allowed

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## Judgement

Gopal Kishan Sharma, J.—Heard Mr. Dhankar and the learned P.P. I have perused the record of the trial court. The statements of the witnesses recorded u/s 161, Cr. PC and some letters alleged to have been written by Hazarilal and the deceased Smt. Asha Devi were also read over to me.

2. The police has submitted challan against, Hazarilal, Banwarilal and Om Prakash u/s 306, IPC. The facts as alleged by the prosecution are that the deceased Smt. Asha Devi was the married wife of Omprakash. A report was lodged on 2-8-1983 at 2 P.M. at the police station by Omprakash son of Bharatlal to the effect that at 7-30 A.M. he left his house for going to his office and his wife was all alone at the house. At 11 A.M. Subhash informed him that his wife has been burnt at his house. He came to the house along with 3-4 persons and saw that his wife was burning inside the house, the room was locked from inside and hearing the cries Mohallawals broke open the door and saw that Smt. Asha Devi was lying on the ground with burns. On this report, the ASI Narendra Singh came to the spot and prepared inspection note and Panchnama of the dead body. It was found that Smt. Asha Devi closed herself inside the room and locked the room from inside. On account of the family dispute with her husband Omprakash, who used to harass her she poured Kerosene oil on her and

committed suicide. The matter was investigated and it was found that Smt. Asha Devi was married to Omprakash in the year 1982. Since her marriage, the members of her father-in-law's house used to harass her on the question of dowry. She was being harassed by her husband Omprakash, Banwarilal and Hazarilal. They rased to tell her that she did not bring dowry with her. On account of this harassment, she bolted the room from inside, poured kerosene oil on her body and committed suicide by burning herself. With these allegations the charge sheet has been submitted.

3. The learned Sessions Judge has framed charge against all the three accused persons for the offence u/s 306, IPC. Against this order of framing charge, the present petitioners have come to this Court in revision.

4. Mr. Dhanker learned counsel for the petitioners contends that there is no case made out against the present petitioners Hazarilal and Banwarilal. There should be some sort of evidence against them that they are responsible for committing suicide by Smt. Asha Devi.

5. I have gone through the statements recorded u/s 161, Cr. PC on 2-1-1983. Thereafter, there are certain statements recorded on 7-8-1983 of these very witnesses and in those statements something has been alleged against the petitioners. Five days before the witnesses had nothing to say against the petitioners, but just after five days in their further evidence all sorts of allegations have been made against the petitioners. This shows the unfairness of the investigation and in order to create some evidence further statements u/s 161, Cr. PC have been recorded. From a perusal of the entire record, I can say that there is not an iota of evidence against the present petitioners to implicate them for abeting Smt. Asha Devi to commit suicide. The learned Sessions Judge has failed to apply his mind, and it seems that he has not gone through the entire record of the police. Only because the police has filed a challan, he has framed a charge against the petitioners. Otherwise, no case is made out against the petitioners, and the challan against them is baseless and false.

6. The revision petition is, therefore, accepted. The proceedings against the petitioners and the charge framed against them on 26-5-1984 are quashed. The petitioners are on bail, and as such their bail bonds are cancelled.