



2026:AHC:2274

**Reserved on 18.12.2025**

**Delivered on 07.01.2026**

**A.F.R.**

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
CRIMINAL REVISION No. - 1352 of 2024**

Ashok Singh @ Kali Singh

.....Revisionist(s)

Versus

State of U.P. and another

.....Opposite Party(s)

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Counsel for Revisionist(s)	: Rajeev Chaddha
Counsel for Opposite Party(s)	: G.A.

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**In Chamber**

**HON'BLE KSHITIJ SHAILENDRA, J.**

1. Heard Shri Rajeev Chaddha, learned counsel for the applicant in revision and learned A.G.A. for the opposite parties.

**THE CHALLENGE**

2. The instant revision under Section 397/401 Cr.P.C. has been filed challenging the order dated 24.01.2024 whereby the learned Additional District and Sessions Judge/Special Judge (P.C. Act), Court No.1, Gorakhpur has framed charge against the applicant under Section 306 I.P.C. in S.C. No. 95 of 2024 (State v. Ashok Singh). Another order under challenge is dated 22.10.2021 whereby the learned Additional

Chief Judicial Magistrate-I, Gorakhpur ('Magistrate') had taken cognizance in the matter and summoned the applicant.

### **BRIEF FACTS**

3. As per the case of the applicant, on 02.03.2020, a ward boy of District Hospital, Gorakhpur informed the police that a dead body was kept in mortuary. On his information, police reached on the spot and found a suicide note in the pocket of the deceased namely Deen Dayal Singh, real brother of the applicant. Accordingly, opposite party No.2, Incharge of Police Chowki Beniganj, Gorakhpur registered a First Information Report dated 02.03.2020 mentioning that during inquest proceedings, one handwritten suicide note and two Aadhaar Cards were found in the left pocket of the pant of the deceased and on perusal of the suicide note, reason of death was indicated as harassment caused by the applicant to the deceased and cause of death was found to be ante-mortem injuries caused by train.

4. Based upon investigation, a chargesheet was submitted before the Court of Magistrate who took cognizance in the matter by order dated 22.10.2021 under Section 306 I.P.C. Later on, charge was framed under the same Section by the Sessions Court order dated 24.01.2024. These two orders have been assailed in the instant revision.

### **SUBMISSIONS ON BEHALF OF THE APPLICANT**

5. Learned counsel for the applicant has raised following submissions:-

(i). Framing of charge under Section 306 I.P.C. is patently illegal as ingredients of abetment, as provided under Section 107 I.P.C., do not stand attracted;

(ii). The suicide note is not a reliable piece of evidence even at this stage, inasmuch as, it runs in nine (9) paragraphs and, just after two lines of the first paragraph, signatures allegedly made by deceased Deen Dayal Singh stand reflected but, thereafter, further language has been incorporated, which, in itself, shows that the suicide note

was prepared for the purposes of the case and was planted by the prosecution at some subsequent stage;

(iii). Even assuming without admitting the genuineness of the suicide note, the contents thereof reflect that the deceased was inclined to settle his property among his family members and nothing has been indicated as to in what manner the applicant ever abetted or instigated the deceased to commit suicide.

(iv). Forensic Science Laboratory (F.S.L.) submitted its report dated 03.08.2021 indicating that for satisfactory examination of the disputed signatures, atleast 10-15 signatures of the deceased were required and though communication was sent in that regard, till today, no such forensic examination report has come on record of proceedings and, therefore, there was lack of evidence so as to necessitate framing of charge under Section 306 I.P.C.

(v). First paragraph of the suicide note indicates that the applicant and father of the deceased were the persons responsible for his death, whereas father of the deceased had already died on 15.12.2019, i.e. four months before death and hence, the entire suicide note is liable to be discarded;

(vi). Neelam Singh, widow of deceased, when contacted by the Investigating Officer ('I.O.'), twice declined to get her statement recorded; firstly on 15.03.2020 stating that she would get her statement recorded after consulting her lawyer; secondly, on 28.03.2020 taking identical stand and when her statement was recorded after two months thereafter on 08.05.2020, she stated that it was her second marriage with the deceased which was solemnized in 2011; her first marriage was solemnized with Amit Kumar Jagwani belonging to Asansol who died in Agartala; there is a son born out of her wedlock with her first husband who is studying in Class XII at Dehradun; Rekha, first wife of deceased lives in Gwalior; family members of deceased had forcibly got her divorced in which main role was played by the applicant and her

late father-in-law Krishna Bihari Singh who used to run a brick-kiln for the last 20 years, entire earnings whereof had been kept by the applicant who had amassed immovable properties; the deceased, being much harassed by the misdeeds of his brother, had taken the step of committing suicide which stands proved by the suicide note and that some dispute regarding partition of ancestral property was pending in which the applicant had got valuable property of front side in his name and corner-property in the name of her deceased husband which he could not sell, as a result whereof, he had committed suicide;

(vii). On the date of death, i.e. 02.03.2020, the first application submitted by the widow of the deceased before the Incharge of Police Station- Kotwali clearly mentioned that her husband had committed suicide on account of great loss occurred in his business; that no person of her family was responsible for the same and that she did not want any legal proceedings against anyone. It, therefore, shows that things were developed later on with the passage of time and the applicant has been falsely implicated due to malice but the said aspects have not been looked into by the court(s) below who have erred in taking cognizance in the matter and then in framing charge;

(viii). A Civil Suit being Original Suit No.153 of 2022 filed by widow of the deceased has already been dismissed by order dated 15.09.2022 in terms of rejection of plaint which itself reflects that declaration of rights claimed by the widow had been discarded by the civil court;

(ix). Chargesheet was submitted by the I.O. on 23.10.2021 but cognizance was taken by the learned Magistrate on 22.10.2021, i.e., one day before the chargesheet could be submitted and, hence, the entire proceedings stand vitiated.

6. In support of his submissions, learned counsel for the applicant has placed reliance upon following judgments:-

(i). **Jayedeesinh Pravinsinh Chavda and others v. State of Gujarat : (2025) 2 SCC 116;**

(ii). **Shashikant Sharma and others v. State of U.P. and another : 2024 AIR SC 193;**

(iii). **Satish Mehra v. Delhi Administration and another : 1996 SCC (Cri) 1104;**

(iv). **Suresh @ Pappu Bhudharmal Kalani v. The State of Maharashtra : (2001) 3 SCC 703.**

### **SUBMISSIONS ON BEHALF OF THE STATE**

7. *Per contra*, learned A.G.A. has made following submissions:-

(i). The suicide note being sufficient evidence at this stage, coupled with statements of witnesses collected during the course of investigation indicating instigation made by the applicant compelling the deceased to commit suicide, the same were sufficient to take cognizance in the matter and, therefore, no error has been committed by the learned Magistrate;

(ii) Insofar as the order framing charge is concerned, no detailed reasoning is required to be recorded by the court at that stage and charge can be framed even on grave suspicion and, hence, the said order also does not call for any interference.

8. In support of his submissions, reliance has been placed upon judgement of the Hon'ble Supreme Court in **Dinesh Tiwari v. State of U.P. and another : (2014) 13 SCC 137.**

### **DISCUSSION**

9. I have considered the submissions made by learned counsel for the parties and perused the material available on record.

10. Out of the two orders under challenge, vehement submissions were advanced questioning validity of the order dated 24.01.2024 framing charge under Section 306 I.P.C., however, after hearing of the case was concluded and judgment was reserved and 3-4 other cases thereafter were heard, Shri Chaddha, learned counsel for the applicant

again appeared and submitted that apart from the order framing charge, another order dated 22.10.2021 taking cognizance in the matter and summoning the applicant had also been challenged, which aspect was earlier missed to be argued by him. When asked about illegality in the said order, the only submission made was that the chargesheet contains an endorsement dated 23.10.2021 to the effect that the same be sent to the court and, therefore, cognizance could not have been taken one day before submission of chargesheet, i.e. on 22.10.2021 and, hence, the order taking cognizance is liable to be set aside on this ground alone.

**Challenge to the order taking cognizance:**

11. Since the order taking cognizance is prior in point of time, first of all, the Court proceeds to examine the challenge laid to the same based upon the arguments advanced. A perusal of page 59-E, i.e., the last page of copy of the chargesheet annexed, indicates as under:-

“आरोपपत्र न्यायालय जाये।

ह ० अ ०

दिनांक 23.10.21”

12. Admittedly, cognizance was taken by the Magistrate on 22.10.2021. Though, it is true that cognizance can be taken only after submission of chargesheet and not prior thereto, the argument advanced based upon discrepancy in the two dates does not appeal to the Court for the reason that Annexure-10 to the affidavit is said to be a copy of the chargesheet and the corresponding paragraph 18 of the affidavit does not indicate that the same is the certified copy of the chargesheet nor does it stand reflected from bare perusal of the said document. As a matter of fact, Annexure-10 is an incomplete typed copy of the chargesheet accompanied by photostat copy thereof which contains an endorsement of taking cognizance on 22.10.2021 at its first page and, at its last page, the above-quoted endorsement dated 23.10.2021 is found.

13. The Court cannot be too wild in its vision so as to assume that though the chargesheet was submitted on 23.10.2021, the Court

concerned, one day prior thereto, took cognizance thereon. If such argument is accepted, it would mean that either the learned Magistrate went to the police station to take cognizance in the matter without there being a chargesheet submitted in his court or the Investigating Officer, after obtaining an endorsement of taking cognizance on the chargesheet, carried the same to the police station (P.S.) and, then, the office at P.S. made an endorsement next day regarding sending of chargesheet to the court. The Court has to be pragmatic in its approach while analysing record of proceedings and discrepancy of one date, when the matter pertains to submission of chargesheet and taking cognizance thereon, does not lead to the court to set aside the order taking cognizance on this ground.

14. Further, there is a half-hearted challenge to the cognizance order based upon the discrepancy qua date(s) and though first three grounds have been raised in the memo of revision based upon such discrepancy, paragraph 18 of the affidavit appears to have been drafted half-heartedly. For ready reference, the said paragraph is reproduced as under:-

“18. That on the basis of the aforesaid evidence Investigating Officer concluded the investigation and forwarded the charge sheet and circle officer vide its order dated 23.10.2021 directed to produce the same in the court and the learned Chief Judicial Magistrate vide its order dated 22.10.2021 took cognizance on the charge sheet. A copy of charge sheet is being filed herewith as Annexure No.10 to this affidavit.”

15. After paragraph 18, no averment has been made in the affidavit in consonance with the stand taken in the first three grounds contained in the memo of revision and the deponent went forward to mention other aspects of the matter such as statement of widow and civil/revenue proceedings etc. The Court is focusing on this aspect for the reason that pursuant to orders passed by this Court, affidavits were directed to be exchanged and averments made in paragraph 18 of the affidavit have been responded to in 10th paragraph of counter affidavit indicating that *‘contents of paragraph 18 of the affidavit is matter of record and, hence need no comment’*. Though forwarding of the chargesheet on 23.10.2021

and taking cognizance by the learned Magistrate on 22.10.2021 has been responded to indicating it as a matter of record, there being no further emphasis based upon the two dates so as to raise a challenge to the order on the above count, the Court is not in a position to accept the challenge on this ground and concludes that endorsement made by the Circle Officer on 23.10.2021 is nothing but a human error in writing the date. In this view of the matter, cognizance order dated 22.10.2021 does not call for interference and the challenge laid to the same stands discarded.

**Challenge to the order framing charge:**

**A. Legal position:**

16. Coming to the main challenge laid to the order framing charge, first of all, the Court deems it appropriate to mention that since the case is triable by Court of Session, Chapter XVIII of Cr.P.C. would be applicable and for the purposes of the case, reproduction of Sections 227 and 228 of the said Chapter is necessary. The same are quoted hereunder:-

**“227. Discharge.**

- If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, **the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing.**

**228. Framing of Charge.** (1) If, after such consideration and hearing as aforesaid, the **Judge is of opinion that there is ground for presuming** that the accused has committed an offence which—

(a) is not exclusively triable by the Court of Session, he may, frame a charge against the accused and, by order, transfer the case for trial to the Chief Judicial Magistrate [or any other Judicial Magistrate of the first class and direct the accused to appear before the Chief Judicial Magistrate, or, as the case may be, the Judicial Magistrate of the first class, on such date as he deems fit, and thereupon such Magistrate] shall try the offence in accordance with the procedure for the trial of warrant-cases instituted on a police report;

(b) is exclusively triable by the Court, **he shall frame in writing a charge against the accused.**

(2) Where the Judge frames any charge under clause (b) of Sub-Section (1), the charge shall be read and explained to the accused and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.”

(emphasis by Court)

17. A bare perusal of Section 227 indicates that if, upon consideration of the record of the case and the documents submitted therewith and, after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record the reasons for so doing. Once the Judge discharges an accused under Section 227, the matter ends then and there and the next stage of framing of charge under Section 228 does not arise, however, if, after consideration of record and hearing the accused and the prosecution, the Judge is of the opinion that there is ground for **presuming** that the accused has committed an offence, he shall try the same in accordance with the procedure prescribed.

(emphasis by Court)

18. The language used in Sections 227 and 228 is clear and unambiguous. Whereas reasons are required to be recorded while discharging the accused under Section 227; Section 228 does not require the Judge to record his reasons for framing charge, rather what is sufficient for him at that stage is that there is ground for “**presuming that an offence has been committed**”. The word ‘presuming’ appearing in Section 228 is sufficient to infer that charge can be framed on presumption and not on concrete basis which may be necessary for either discharging/not discharging or either convicting or acquitting the accused.

(emphasis by Court)

19. At this stage, reference to certain judgements on the power of the Court as well as legal requirements of framing charge and aspects associated thereto, is required to be made.

20. In **State of Bihar v. Ramesh Singh : (1977) 4 SCC 39**, it has been held by the Hon'ble Supreme Court that at the stage of framing charge, it is not to see whether there is sufficient ground for conviction of accused or whether the trial is sure to end in his conviction and if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the Court to say that there is no sufficient ground for proceeding against him.

21. In **Amit Kapoor v. Ramesh Chander and another : (2012) 9 SCC 460**, the Hon'ble Supreme Court drew a distinction between Sections 227 and 228 Cr.P.C. and held that framing of a charge is an exercise of jurisdiction by the trial court in terms of Section 228 of the Code, unless the accused is discharged under Section 227 of the Code. Under both these provisions, the court is required to consider the '**record of the case**' and documents submitted therewith and, after hearing the parties, may either discharge the accused or where it appears to the court and in its opinion there is ground for presuming that the accused has committed an offence, it shall frame the charge.

(emphasis by Court)

22. It has further been held that there is a fine distinction between the language of Sections 227 and 228 of the Code. Section 227 is expression of a definite opinion and judgement of the Court while Section 228 is tentative. **Thus, to say that at the stage of framing of charge, the Court should form an opinion that the accused is certainly guilty of committing an offence, is an approach which is impermissible in terms of Section 228 of the Code.** At the initial stage of framing of a charge, the court is concerned not with proof but with a **strong suspicion** that the accused has committed an offence, which, if put to trial, could prove him guilty. All that the court has to see is that the material on record and the facts would be compatible with the innocence of the accused or not.

(emphasis by Court)

23. The view taken by the Hon'ble Supreme Court in **Amit Kapoor** (supra) has been reiterated with affirmance in **Dinesh Tiwari** (supra).

24. In **Kanti Bhadra Shah vs. State of West Bengal : (2000) 1 SCC 722**, it has been held by the Hon'ble Supreme Court that the Judge is required to record reasons only if he decides to discharge the accused but if he is to frame charge, he may do so without recording his reasons for showing why he framed the charge.

**B. Suicide note:**

25. Above being the position of law, when record of the instant case is perused, it stands reflected that the main document relied upon by the prosecution is the handwritten suicide note, though disputed by the applicant. The said suicide note indicates that the applicant and father of the deceased were the persons responsible for his death. The said indication contained in first paragraph of the suicide note has been signed allegedly by the deceased. Further paragraphs of the suicide note mention inclination of the deceased to settle his properties amongst his family members and certain other emotions allegedly expressed by him before committing suicide.

26. Though vehement submissions have been made that since, immediately after first paragraph containing two lines, the suicide note was allegedly signed by the deceased, the said mere fact cannot be conclusive at this stage to discard further paragraphs No. 2 to 9 contained in the suicide note, particularly when, after 9<sup>th</sup> paragraph also, signatures allegedly of the deceased are found. The Court cannot presume, at this stage, that after putting signatures at the end of first paragraph, no further writing could be made by the deceased and it may be a case where the first paragraph was written and signed by the deceased but, at some later point of time, the remaining paragraphs were written and signed. Death of the father of the deceased occurred on 15.12.2019 also, at this stage, cannot be sufficient to discard the suicide note and there may be a circumstance that first paragraph was written when father of the deceased was alive and suicide note was kept with

him by the deceased and remaining paragraphs were written after death of his father or the entire suicide note was written after the death of father of the deceased but indicating him as responsible for death of the deceased.

27. The above observations are being made for the reason that no date is indicated on the suicide note as to when it was written or signed and the mere fact that it was found from the left pocket of the pant of the deceased when his dead body was found on 02.03.2020, it cannot be said that the suicide note was written on the said date. No further observations are required to be made by this Court in this regard otherwise the trial may be prejudiced, however, observations have been made only for the reason that validity/genuineness of the suicide note was assailed vehemently pointing out the contents of and signatures thereon.

28. Since arguments were raised qua FSL report dated 03.08.2021, the Court finds the said report indicating that writing as well as signatures on the suicide note were disputed and a torn notebook was sent to the FSL as a specimen of writing of the deceased, however, the FSL concluded that handwriting of the deceased tallies with the two documents, i.e. suicide note and the note book, but for satisfactory examination of the disputed signatures, signatures sufficient in number, at least 10 to 15, are required. Assuming that no further FSL report came on record by the time when the charge was framed by the order impugned, the said mere fact is not sufficient to outrightly discard the suicide note at this stage, particularly when observation of FSL is that handwriting of the deceased on two documents tallies.

29. The Court finds another report dated 27.06.2020 on record forming part of Annexure-4 to the affidavit. The same was prepared by one Mr. R.K. Jaiswal, Advocate claiming himself to be Handwriting and Finger Print Expert (Forensic Scientist). The said report is said to be submitted before Smt. Dhanwanti Devi, i.e., mother of the deceased and the same, in so many words, records that disputed writings differ in

formation and designing and that the same have not been written by the writer of the admitted writings.

30. First Information Report in the case was lodged on 02.03.2020 and cognizance was taken on 22.10.2021. As to when and by whom the signatures (admitted/disputed) were sent to Mr. R.K.Jaiswal, Advocate for submission of his report, is not clear from the record. On the other hand, the F.S.L. report dated 03.08.2021 indicates that the documents were sent to the F.S.L by Constable Navin Kumar Gautam on 01.03.2021 and, based upon the report dated 03.08.2021, forming part of the Case Dairy, cognizance was taken on 24.01.2024.

31. In view of the above, there being contradictory reports, one having been submitted pursuant to steps taken by the prosecution, the other being contrary but not indicating as how and when the same came in light and as to whether or not it forms part of the Case Diary, no definite opinion, at this stage, can be expressed regarding validity of the suicide note in terms of handwriting and signatures of the deceased. It is for the trial court to record a finding based upon the documentary and oral evidence led before it during the course of trial and, hence, all the submissions made based upon F.S.L. report are found to be not sufficient to invalidate the order framing charge.

**C. Judgments cited on behalf of the applicant:**

32. In the case of **Jayedeeptsinh Pravinsinh Chavda** (supra), the Hon'ble Supreme Court dealt with the provisions of Section 306 I.P.C. read with Section 107 I.P.C. and held that to bring a case under Section 306 I.P.C., it is imperative that the accused intended by their act to instigate the deceased to commit suicide and the prosecution must establish that the accused contributed to the act of suicide and, further, involvement must satisfy one of the three conditions outlined in Section 107 I.P.C. For a ready reference, paragraphs 21, 22 and 27 of the judgment need reproduction and are quoted as under:-

“21. Section 306 IPC provides for punishment for the offence of abetment of suicide. It has to be read with Section 107 IPC which defines the act of "abetment". The provisions read as follows:

**"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 any act or illegal omission, the doing of that thing.

*Explanation 1.-*A person who, by wilful misrepresentation, or by wilful 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."

22. Section 306 IPC penalises those who abet the act of suicide by another. For a person to be charged under this section, the prosecution must establish that the accused contributed to the act of suicide by the deceased. This involvement must satisfy one of the three conditions outlined in Section 107 IPC. These conditions include the accused instigated or encouraged the individual to commit suicide, conspiring with others to ensure that the act was carried out, or engaging in conduct (or neglecting to act) that directly led to the person taking his/her own life.

27. Thus, to bring a case under this provision, it is imperative that the accused intended by their act to instigate the deceased to commit suicide. Thus, in cases of death of a wife, the Court must meticulously examine the facts and circumstances of the case, as well as the evidence presented. It is necessary to determine whether the cruelty or harassment inflicted on the victim left them with no other option but to end their life. In cases of alleged abetment of suicide, there must be concrete proof of either direct or indirect acts of incitement that led to the suicide. Mere allegations of harassment are insufficient to establish guilt. For a conviction, there must be evidence of a positive act by the accused, closely linked to the time of the incident, that compelled or drove the victim to commit suicide."

33. There is no quarrel, nor can there be, with the proposition laid down by the Hon'ble Supreme Court qua the requirements under Section 306/107 I.P.C., however, what is significant to observe here is that the matter before the Hon'ble Supreme Court had arisen from a situation where the trial court had refused to discharge the accused and revision preferred against the said order was dismissed by the High Court. The Hon'ble Supreme Court examined the material on record involving accusations made under Sections 306, 498-A and 114 I.P.C. and, after analysing the facts in the light of the provisions, ingredients of offence under Section 306 I.P.C. were not found as made out even on preliminary analysis and, therefore, the accused was discharged by the Hon'ble Supreme Court.

34. The present case arises from a different stage where question of discharging/not discharging the applicant in revision is not before this Court, i.e. to say that this Court is not examining the validity of an order passed under Section 227 Cr.P.C., rather is examining a challenge to the order framing charge in exercise of powers under Section 228 Cr.P.C. Therefore, the parameters of examining the challenge in the light of material on record being different, as already discussed hereinabove while referring to the judgments in the case of **Ramesh Singh** (supra), **Amit Kapoor** (supra), **Dinesh Tiwari** (supra) and **Kanti Bhadra Shah** (supra), the applicant does not get advantage of the judgment in the case of **Jayedeeptsinh Pravinsinh Chavda** (supra).

35. The next judgment in the case of **Suresh @ Pappu Bhudharmal Kalani** (supra) relied by the applicant deals with the stage of Section 227/228 and in 9<sup>th</sup> paragraph of the judgment, it is clearly observed that the Court may, for limited purpose, sift the evidence and it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is unopposed to common sense or the broad probabilities of the case and, therefore, at the stage of framing of the charge, the Court has to consider the material with a view to find out if there is ground **for presuming** that the accused has committed the offence or that there is not sufficient ground for proceeding against him

and **not for the purpose of arriving at the conclusion that it is not likely to lead to a conviction.** As such, the judgment in case of **Suresh @ Pappu Bhudharmal Kalani** (supra) would be read against the applicant and not in his favour, inasmuch as, only presumption qua commission of offence is sufficient at the stage of framing of charge and not for the purposes of arriving at a conclusion qua conviction/acquittal.

(emphasis by Court)

36. **Shashikant Sharma** (supra) was a case where an application for discharge filed by the accused was rejected by the Special Judge (SC/ST Act) and criminal appeal challenging the said order was dismissed by the High Court and the matter went to the Hon'ble Supreme Court. Under such factual scenario, it was observed by the Hon'ble Supreme Court that the Court is not required to undertake a meticulous evaluation of evidence and even grave suspicion is sufficient to frame charge, nevertheless there is also a long line of precedents that from the admitted evidence of the prosecution as reflected in the documents filed by the I.O. in the report under Section 173 Cr.P.C., if the necessary ingredients of an offence are not made out, then the Court is not obligated to frame charge for such offence against the accused.

37. Though reference was made by the Hon'ble Supreme Court to the judgement in **Suresh @ Pappu Bhudharmal Kalani** (supra), the observations were to the effect that absence of necessary ingredients of an offence would not oblige the Court to frame charge, however, in the present case, as discussed above, a *prima facie* opinion regarding matching of handwriting on the suicide note read with statement of widow of the deceased, contents of the suicide note, need analysis of the entire material on record so as to examine as to whether the case in hand falls in either of the three clauses i.e. first, second or third read with Explanations (1) and (2) contained under Section 107 I.P.C., so as to examine the fact as to whether applicant has committed an offence punishable under Section 306 IPC. When the Court is not required to record detailed reasons for framing charge, it cannot be said at this stage that no charge could be framed in the present case. It may be altogether a

different aspect that applicant would be convicted or acquitted or that the prosecution succeeds or fails to establish the charge against the accused.

38. In the case of **Satish Mehra** (supra), while referring to the judgements in **Alamohan Das v. State of West Bengal : (AIR) 1970 SC 863** and **Union of India v. Profulla Kumar Samal and another : (1979) 3 SCC 4**, observations were made by the Hon'ble Supreme Court that the exercise is to find out whether a *prima facie* case against the accused has been made out and the test to determine a *prima facie* case would naturally be dependent upon the facts of each case and it is difficult to lay down rule of universal application. It was further observed that if the Judge is satisfied that the evidence produced gives rise to some suspicion but not grave suspicion, he would be fully within his right to discharge the accused and at the same time, the Court cautioned that a roving inquiry into the pros and cons of the case by weighing the evidence as if he was conducting the trial, is not expected or even warranted at this stage.

(emphasis by Court)

39. In view of the above observations made by the Hon'ble Supreme Court, this Court is of the view that suspicion/grave suspicion/presumption did exist which obliged the Court to frame charge U/S 306 I.P.C. and, hence, considering the judicial pronouncements referred to hereinabove, it cannot be said that framing of charge by the learned Sessions Court is faulty.

40. As regard the fact that the widow of the deceased declined twice to get her statement recorded and then got the same recorded and uttered things in one or the other way, the same not being relevant at this stage and required to be seen during the course of trial when the statements recorded during the course of investigation would be required to be corroborated/not corroborated by other evidence, the same not being a significant aspect in favour of the applicant at this stage, the argument advanced on that line also stands discarded. Similar is the position with regard to the initial application dated 02.03.2020 submitted by the

widow before the Incharge Police Station-Kotwali and it is for the trial court to put the widow on trial and permit her cross-examination on that aspect and, then, form an opinion eitherway.

41. For all the aforesaid reasons, this Court does not find any error in the orders dated 22.10.2021 and 24.01.2024.

42. The revision has no merit and is, accordingly, **dismissed**. The interim order dated 18.12.2025 stands **vacated**.

43. It is made clear that any observation made in this judgment is confined to the stage to examining the challenge laid to the order taking cognizance and the one framing charge and may not be treated as any expression of opinion on merits of the entire case which shall be the sole prerogative of the trial court during the course of trial.

**(Kshitij Shailendra, J)**

**January 7, 2026**  
Jyotsana