



[SC] IPC S. 306 - Mens Rea - Act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide - Instigation must be in close proximity . [PLRonline 478683]

#### IPC SECTIONS 107 AND 306 - ABETMENT TO COMMIT SUICIDE

Instigation must be direct, intentional, and proximal to the act of suicide to constitute abetment. The court emphasizes the need for a clear causal link between the accused's [conduct](#) and the victim's decision to commit suicide, underscoring the significance of mens rea and the timing of the alleged instigating acts.

#### INDIAN PENAL CODE, 1860, SECTION 107 - ABETMENT TO COMMIT SUICIDE - INSTIGATES :

- To attract the first clause of abetment to commit suicide, there must be instigation in some form by the accused to cause the deceased to commit suicide.
- The accused must have mens rea or intent to instigate the deceased to commit suicide.
- The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide.
- Such instigation must be in close proximity to the act of committing suicide.

#### INDIAN PENAL CODE, 1860, SECTION 107, 306 - ABETMENT TO COMMIT SUICIDE

- The deceased had borrowed money and, having failed to repay the same, a notice was issued under [section 138](#) of the Negotiable Instruments Act, 1881.
- It is impossible to conclude that the appellants instigated the deceased to commit suicide by demanding the payment of the amount borrowed by using abusive language and by assaulting him by a belt for that purpose.
- The incident happened more than two weeks before the date of suicide, and there was no allegation of any act done in close proximity to the date of suicide.
- Alleged acts of the appellants can not be deemed as instigation to commit suicide. To the contrary, the deceased has blamed the wife for landing in trouble due to her bad habits.
- Offence punishable under Section 306 of IPC was not made.

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