

Abetment of suicide

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In news—After TV star Tunisha Sharma allegedly killed herself on the set of a TV show recently, her co-actor, Sheezan Khan, has been booked for abetment to suicide.

What is abetment to suicide?

- Abetment is defined as including instigating, engaging in a conspiracy or assisting in committing the offence.
- **However, abetment is not same as murder.** The Supreme Court clarified this issue in 1997 in the case of '**Sangarabonia Sreenu v State of Andhra Pradesh**'.
- Despite the intention of the accused to drive a person to commit suicide, abetment of suicide is not the same as murder.
- In the case of a murder, the final 'act' of causing the death of a person is committed by the accused, which is not the case in abetment of suicide.
- **The Indian Penal Code, 1860 makes abetment of suicide a punishable offence.** Section 306 of the Indian Penal Code (IPC) prescribes either a jail term of up to 10 years or a fine or both.
- As per section 306 of IPC, if any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment of either imprisonment for a term which may extend to ten years, and shall also be liable to fine.
- **The IPC also has a separate chapter on abetment** and describes who is an abettor under Section 108.
- **Abetment of suicide is a serious offence that is tried in a Sessions court and is cognizable, non-bailable and non-compoundable.**
- A **cognizable** offence is one in which a **police officer can make an arrest without a warrant** from a court. A non-bailable offence means bail is granted to the

accused at the discretion of the court and not as a matter of right.

- A **non-compoundable offence is one in which the case cannot be withdrawn by the complainant** even when the complainant and the accused have reached a compromise.

How does a court determine abetment?

- **There are two primary ingredients of the crime of abetment of suicide.** First is a suicidal death. The second ingredient is the intention of the accused to abet such suicide.
- Legally, whether a death is a suicide or not is a determination of a fact, which means evidence has to be evaluated to pronounce that death is a suicide.
- A determination of suicide is made when the deceased person is understood to have known the probable consequence of their act of self-harm before proceeding to do it intentionally.
- Once such a determination is made, then the intention of the person accused of abetment of suicide is looked into.
- The only exception to this is the abetment of the suicide of a woman married for seven years or less.
- Through an amendment in 1983 in the Code of Criminal Procedure, the law was changed to presume that the husband is guilty if his wife commits suicide within seven years of the marriage.
- The amendment was made to curb rising dowry deaths that were categorised as suicides.