

Critical Analysis of Section 306 -Abetment to Suicide of Indian Penal Code 1860 in the Light of Judicial Pronouncement

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Abstract: *The aim of study is to critically analyse the existing laws on abetment of suicide and the guidelines issued by Supreme Court of India with respect to different cases. There are sections for abetment of suicide in Indian penal code (IPC). Section 306 of the Indian Penal Code penalizes abetment of suicide. "S.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 not exceeding ten years, and shall also be liable to fine." Section 306 prescribes punishment for „abetment of suicide". Abetment of attempt to commit suicide is outside the purview of section 306 and it is punishable only under section 309 read with section 107, IPC. In certain other jurisdictions, even though attempt to commit suicide is not a penal offence yet the abettor is made punishable. The provision there provides for the punishment of abetment of suicide as well as abetment of attempt to commit suicide. Thus even where the punishment for attempt to commit suicide is not considered desirable, its abetment is made a penal offence. In other words assisted suicide and assisted attempt to commit suicide are made punishable for cogent reasons in the interest of society. Such a provision is considered desirable to also prevent the danger inherent in the absence of such a penal provision.*

Suicide (self annihilation) is a common incident affecting the people of all classes throughout the globe.. It is a peculiar crime where both the accused and victim is same person.

Abetment of suicide is punishable under Sec.306 of Indian Penal Code. Medicolegists should be very cautious regarding the opinion while dealing such cases because many times the exact cause and circumstance of the incident remains concealed. Thorough investigation, meticulous examination including visit to the scene of crime is utmost essential to take correct decision to avoid miscarriage of justice.

Keywords: abetment, suicide, punishment, insane, intoxicated, offence, abettor

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