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PAPER CLIPPINGS

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: Home

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Times of India

ದಿನಾಂಕ : DATE : 11/12/20

No suicide bid, took tablets by mistake: BSY's political secy

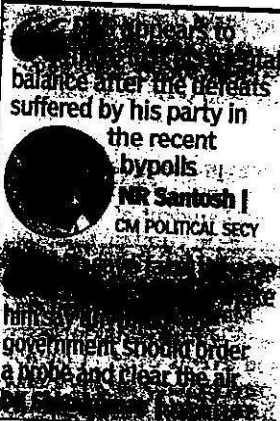
TIMES NEWS NETWORK

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Bengaluru: Soon after being discharged from hospital on Monday NR Santosh, the political secretary of chief minister BS Yediyurappa, denied that he had tried to die by suicide, and he had ended up overdosing on some other tablets by mistake. Opposition Congress maintained its demand for a probe into the matter.

"The attempt to suicide theory is nothing but speculation. I was unwell mostly due to indigestion after attending a marriage feast and ended up wrongly consuming some other tablets. My wife panicked and shifted me to hospital," said the 31-year-old, who is also the CM's grandnephew. Santosh was admitted to MSRamaiah Hospital by his family members on the night of November 27 amid reports that he had swallowed several sleeping pills.

On state Congress president DK Shivakumar's claims that a video could have been the trigger for the suicide attempt and a probe was needed, Santosh said, "The Congress



NR Santosh | CM POLITICAL SECY

leader appears to have lost his mental balance after the defeats suffered by his party in the recent bypolls. They are also the outcome of recent raids on him by central agencies.

"During those raids, he had managed to gather 200-300 supporters outside his residence. But he must bear in mind that whenever he makes such baseless allegations, lakhs of people can come out in support of our leader BS Yediyurappa."

► DKS: Probe must, P 4

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ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: *Plane*

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: *Times of India*

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CM secy's case triggers debate on penalisation of suicide attempt

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Bengaluru: The alleged suicide attempt by chief minister BS Yediyurappa's political secretary NR Santosh has turned the spotlight on the existence and efficacy of section 309 of the Indian Penal Code (IPC), the provision related to punishing a person who makes an attempt to kill himself/herself. While Bengaluru police have booked a case against Santosh under section 309, which prescribes penalty or simple imprisonment of up

IPC SECTION 309

to one year or both to the person, the legal fraternity is divided over the issue.

While some experts termed it 'archaic law' which has become redundant given presumption accorded under section 115 of Mental Healthcare Act, 2017, many agree that police are bound to invoke section 309 as long as it has not been repealed.

Senior advocate AS Ponnanna said section 309 was brought in during the British

Rebuttable presumption: Advocate

Advocate Sandesh J Chouta, who assisted senior advocate BV Acharya in the multi-crore disproportionate assets case involving former Tamil Nadu chief minister J Jayalalithaa, said though a two-judge bench of the Supreme Court called for decriminalisation in 1994, a constitution bench in the case of Smt. Goan Kaur vs State of Punjab held in 1996 that section 309 is not unconstitutional.

"The Mental Healthcare Act attempts to decriminalise section 309 to some extent. However, section 115 is to be construed as a legal presumption section. The presumption is that a person attempting suicide is under severe stress. This presumption is rebuttable and if the prosecution prima facie shows the accused was not under

Raj and has now become redundant and needs to be removed. According to him, a person who attempts suicide will always be in a state of severe mental stress and the law



stress, then they can sustain the prosecution. This is how the two sections can be harmoniously construed. However, the matter is pending consideration before the SC on this very issue," he added.

P Prasanna Kumar, special public prosecutor for CBI and ED, said the retention of section 309 still works as a deterrent. He pointed out that even the constitution bench of the SC did not find anything unconstitutional in the provision.

seeks to prosecute such a person, further aggravating his/her condition.

Advocate MS Shyamsundar, who has donned the role of special public prosecutor in

Santosh was under pressure probe must to clear air: DK

► Continued from page 1

Shivakumar must look at his colleague-former chief minister Siddaramaiah and learn how to be responsible," Santosh added.

Santosh's claims came even as an FIR has been registered by Sadashivanagar police against him, under section 309 of IPC for attempt to suicide. "The MLC notice mentioned that Santosh had consumed 12 sleeping pills at a time. Prima facie, it looks like Santosh, for some reason, attempted suicide. We are registering a suo motu case against Santosh under IPC section 309 and initiated legal action," the suo motu FIR read.

Reiterating his demand for an inquiry, Shivakumar said, "There is political pres-

sure on Santhosh and the evident in the manner which BJP is trying to clean it up. What his wife (Jahar) has said is the truth and when the truth is probed you get to the bottom of it. The government should order an independent probe and clear the air at the earliest. Why are they afraid when they have no role play (in the suicide bid)?"

Shivakumar said Jaharvi had mentioned soon after Santosh was hospitalized that he was under "tremendous pressure over recent political disturbances".

"He is no ordinary personal assistant, but political secretary to the CM. To surface, they (BJP) will try to make him say anything," state Congress chief said.

many important cases, said the trial in cases registered under 309 of IPC may not be effective with the overriding effect of section 115 of the Mental Healthcare Act, 2017. However,

he cautioned that if a person avails the benefit of section 115, there is a danger of her being branded as a person of unsound mind, thereby affecting their job.