



WEB COPY



Crl.R.C.No.830 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved : 30.10.2023

Delivered on : 11.03.2024

Coram:

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.R.C.No.830 of 2019

Mrs.Sumathy : Revision Petitioner/Appellant/Accused

Vs

The Union Territory of Puducherry,
Rep by The Station House Officer,
Mettupalayam Police Station
Puducherry.

(Crime No.53 of 2013) : Respondent/Respondent/Complainant

PRAYER: Criminal Revision Case is filed under Section 397 r/w.401 of Cr.P.C to call for the records in Crl.A.No.29 of 2017 on the file of learned II Additional Sessions Judge, Puducherry and to examine the same and to set aside the judgment passed in Crl.A.No.29 of 2017 on 03.06.2019 confirming the judgment of conviction passed by the learned Principal Assistant Sessions Judge, Puducherry in S.C.No.54 of 2014.

For Petitioner	..	Mr.K.Ethirajalu (Legal Aid Counsel)
For Respondent	..	Mr.K.S.Mohandoss
		Public Prosecutor (Puducherry)
		Assisted by Mr.A.Alexander



Crl.R.C.No.830 of 2019

WEB COPY

ORDER

The Criminal Revision Case has been filed to set aside the judgment of conviction passed by the learned II Additional Sessions Judge, Puducherry in Crl.A.No.29 of 2017 confirming the judgment passed by the learned Principal Assistant Sessions Judge, Puducherry in S.C.No.54 of 2014, dated 08.09.2017.

2. The learned Counsel nominated by the Legal Aid Committee attached to this Court, Thiru. Ethirajalu submitted his arguments. As per the arguments of Thiru. Ethirajalu, the sole Accused before the learned Principal Assistant Sessions Judge, Puducherry is the Revision Petitioner herein.

3. The Brief facts of the case are as follows:

3.1. As per the Prosecution case, the Daughter-in-law of the Revision Petitioner had committed suicide by self-immolation on 14.07.2023 by around 11.45 a.m. P.W-1 was the house owner, the landlady. The landlady had let out the upstairs portion of her house to the Son and Daughter-in-law of the Accused. The Accused's son married after love affair. Therefore, the



Accused had set a separate residence for her Son and Daughter-in-law. After setting up a separate residence in the house of the P.W-1, within one month from the date of occupying the leased out premises, the Daughter-in-law of the Accused had committed self-immolation. The landlady/P.W-1 had given the complaint before the Sub-Inspector of Police, Mettupalayam Police Station, Puducherry.

3.2. P.W-1 was the landlady of the Deceased. P.W-2 was the Father of the Deceased. P.W-3 was the Mother of the Deceased. P.W-4 was the elder Sister of the Deceased. P.W-5 Husband of the Deceased, he turned hostile. P.W-6 was the Mahazar witness for the Observation Mahazar also turned hostile. P.W-7 and P.W-8 were neighbours of the Deceased also turned hostile. P.W-9 was the Doctor in the Casualty Ward. P.W-10 was the Ward Doctor who had certified the consciousness of the Deceased, when the Deceased was alive under treatment. P.W-11 was the Doctor who had performed Post Mortem on the body of the Deceased. P.W-12 was the Tahsildar/Sub Divisional Magistrate who had conducted Inquest over the body of the Deceased and conducted the mandatory enquiry regarding the



WEB CODE

newly married woman dying within 7 years of the marriage. P.W-13 was the Police Photographer who had deposed regarding taking photograph of the body of the deceased and also the place where the alleged self-immolation had taken place. P.W-14 was the learned Judicial Magistrate who had recorded the dying declaration of the deceased when she was alive under treatment in the hospital. P.W-15 was the Sub-Inspector of Police who had received the complaint under Ex.P-1 from P.W-1/landlady of the house and registered FIR under Ex.P-9. P.W-16 was the women Police Constable who had typed the statement of the witnesses. P.W-17 and P.W-18 were the Investigation Officers.

3.3. P.W-1-landlady had given a Complaint under Ex.P-1 before P.W-15-Sub Inspector of Police who had registered the case in Cr.No.53/2013 for the offence under Section 309 of IPC. P.W-17 recorded the statement of landlady as L.W-1 and statements of other witnesses. Subsequently, he was transferred P.W-18 took up further investigation. After the completion of investigation and after getting opinion of the post-mortem Doctor who conducted the post-mortem and after getting opinion, he had filed the final



report of the investigation before the learned Judicial Magistrate concerned.

The learned Judicial Magistrate, on completion of investigation, after the filing of Investigation report had taken cognisance of offence as PRC and issued summons to the Accused. When the Accused appeared, copies were furnished under Section 207 of Cr.P.C. The case was committed to the Court of the learned Principal Sessions Judge. On point of jurisdiction, the case was made over to the file of the learned Assistant Sessions Judge, Puducherry. The Accused was bound over to the Court of the learned Assistant Sessions Judge. The Court of the learned Assistant Sessions Judge, after hearing the arguments of the Prosecution and the Accused, framed the charges for the offence under Section 306 of IPC. Since the Accused denied the charges, the learned Assistant Sessions Judge, Puducherry ordered trial. In the trial, the Prosecution had examined 18 Witnesses as P.W-1 to P.W-18 marked 15 documents as Ex.P-1 to Ex.P-15 and marked 5 Material Objects as M.O-1 to M.O-5. After full trial, on appreciation of evidence, the learned Assistant Sessions Judge convicted the Accused. Aggrieved by the same, the Accused filed Appeal in Crl.A.No.29 of 2017. After hearing the Appeal, the learned II Additional Sessions Judge had dismissed the Appeal preferred by



Crl.R.C.No.830 of 2019

the Accused and confirmed the Conviction for the offence under Section 306 of IPC recorded by the learned Principal Assistant Sessions Judge, Puducherry. The learned II Additional Sessions Judge had relied on the evidence of P.W-1 to P.W-3 and the dying declaration recorded by the learned Judicial Magistrate and convicted the Accused.

4. Aggrieved by the same, the Appellant before the trial Court and appellate Court had preferred this Revision seeking to set aside the Judgment of Conviction recorded by the learned Principal Assistant Sessions Judge, Puducherry which was confirmed by the learned II Additional Sessions Judge.

5. Only focus of the learned Counsel for the Revision Petitioner is that the technical plea alone is raised in the Revision Case. The learned Assistant Sessions Judge had relied upon the dying declaration of the deceased to convict the Accused. The evidence before the Court is otherwise. Therefore, the Judgment of Conviction recorded in Crl.A.No.29 of 2017 on 03.06.2019 confirming the judgment of conviction passed by the learned Principal



Crl.R.C.No.830 of 2019

Assistant Sessions Judge, Puducherry in S.C.No.54 of 2014 is to be set aside as perverse.

6.It is the submission of the learned Counsel for the Revision Petitioner that the learned Principal Assistant Sessions Judge, Puducherry had convicted the Accused solely based on the dying declaration recorded by the learned Judicial Magistrate. Therefore the judgment of conviction recorded against the Accused sentencing the Accused to undergo Rigorous Imprisonment of 7 years and to pay a fine of Rs.1000/- is perverse. The Appeal preferred by the sole Accused in C.A.No.29 of 2017 was also dismissed by the learned II Additional Sessions Judge, Puducherry. Therefore, this Revision Case had been filed seeking to set aside the judgment of conviction recorded by the learned Principal Assistant Sessions Judge, Puducherry in S.C.No.54 of 2014 which was confirmed in C.A.No.29 of 2017 by the learned II Additional Sessions Judge, Puducherry.

7. It is the contention of the learned Counsel for the Revision Petitioner



that the dying declaration was found to be in contradiction to the evidence of the Prosecution witness.

8. The learned Counsel for the Revision Petitioner invited the attention of this Court to the evidence of P.W-1 to P.W-4. P.W-2, P.W-3 and P.W-4 were the parents and elder sister of the Deceased. They had in their evidence deposed regarding the fact that the Son of the Accused and the Deceased had married. It was a love marriage against the wish of the parents of the Deceased. The parents of the Deceased had not attended their marriage. There was evidence that after marriage, the Deceased had gone to the residence of her parents and resided there for a month. Only on her return from her parent's home, she had committed self-immolation. There was no moral support from her parents which had resulted in depression for her. The learned Principal Assistant Sessions Judge, Puducherry had solely relied on the dying declaration recorded by the learned Judicial Magistrate/P.W-14 and through whom, Ex.P-8/dying declaration was recorded. Ex.P-4 was the certificate issued by P.W-10/Dr.Ramakrishnan regarding the mental stability and consciousness of the Deceased when she was alive under treatment.



Crl.R.C.No.830 of 2019

Except Ex.P-8, the evidence of the Prosecution witness does not prove the charge of Section 306 of I.P.C against the Accused. Originally FIR under Ex.P-9 was registered for offences under Section 309 of I.P.C. Subsequently it was altered to offences under Section 306 of I.P.C.

9. The learned Counsel for the Revision Petitioner also invited the attention of this Court to the version of P.W-1/landlady of the Deceased who had in her evidence deposed that she gave the complaint. When she was confronted regarding contents of Ex.P-1. She had stated in her cross examination that she was unaware of the details of the family of the Deceased and the Accused and she does not know who had written the complaint under Ex.P-1. She admits that she had given complaint and but who had taken it down was not known to her. The ingredients of the contents of Ex.P-1 was not stated by her in her deposition as Examination in Chief. She had also stated the criminal law in motion by registering the case for the Accused had taken the upstairs portion of the house of P.W-1 on rent to set up a separate residence for her Son and daughter-in-law. The Accused was a Hindu, while



the deceased daughter-in-law belonged to Christian faith. It was a love and interfaith marriage. There was objection from both the families. At the time of death, the Deceased was aged 19 years. Presuming that she suffered depression immediately after marriage, the learned Principal Assistant Sessions Judge, Puducherry had convicted the Accused based on the dying declaration stating that the mother-in-law of the Deceased visited the house of the deceased and scolded her son. When the Deceased intervened, the Accused also scolded her. Immediately after the mother-in-law left the house, the Deceased committed self-immolation and she was rushed to the hospital by the neighbours. P.W-1 the landlady in her complaint had stated that her tenant had committed self-immolation, during her evidence in the Court as P.W-1, she had stated that she does not know who had taken her to the hospital. She had not accompanied the Deceased to the hospital. Also in the evidence before the trial Court, the landlady/P.W-1 had stated that at that time, while she was talking to the Husband of the Deceased, there were flames emanating from the upstairs portion. Therefore, P.W-1 went up along with the P.W-4/Husband of the Deceased and found the Deceased in flames. P.W-1, along with the P.W-4/Husband of the Deceased put out the fire using



blanket and also by pouring water on her. The neighbours rushed her to Hospital. She did not know to which hospital she was taken to. Except those facts, she had not stated incriminating against the Accused.

10. P.W-2 to P.W-4 had in their evidence stated that the P.W-2/father of the deceased and P.W-3/Mother of the Deceased had stated that they had not seen the Accused. P.W-4/elder sister of the Deceased had stated that she had seen the Accused and she knew her. P.W-12/Sub Divisional Magistrate in his enquiry report clearly stated that this was not a case of dowry death. He had given the finding based on the statement of the witnesses who attended the enquiry when the deceased had committed self-immolation stating that her mother-in-law scolded her. She does not stated any reason to arrive at a conclusion that the mother-in-law abated the Daughter-in-law to commit suicide.

11. The learned Counsel for the Revision Petitioner also invited the attention of this Court to the statement given to the P.W-12/Sub Divisional Magistrate by the Parents of the deceased and the Husband and mother-in-



law of the deceased and also the statement of the neighbours of the deceased.

WEB COPY

12. It is the contention of the learned Counsel for the Revision Petitioner that the Son of the Accused after marriage was not going for work. For his daily requirements also, he used to get money from his mother. Therefore the Accused had scolded her Son/Husband of the deceased for being irresponsible. After the marriage, there had been misunderstanding between the Husband and the Wife, as the Husband was not allowed to co-habit along with his parents. Therefore the Deceased had given a complaint to the Police. The Police had summoned the Deceased and her Husband and counselled them to live as Husband and Wife. Accordingly a separate home was set by the Accused for her Son and daughter-in-law. Also, the Deceased before committing self-immolation had gone to her parents house and resided there for a month. Subsequently she came back. Only after the return from her parents house, within in a day or two, she committed self-immolation. She had uttered a word that her mother-in-law scolded her. But she had not used any specific words used by the Accused.



WEB CONTENT

13. Also it is the contention of the learned Counsel for the Revision Petitioner that the parents and elder sister of the Deceased had influenced the mind of the deceased while she was undergoing treatment in the hospital. Therefore, the reliance placed on the dying declaration by the learned Principal Assistant Sessions Judge, Puducherry to convict the Accused is perverse and is to be set aside.

14. The learned Public Prosecutor Puducherry, Mr.K.S.Mohandoss by way of reply submitted that the judgment of the learned Principal Assistant Sessions Judge, Puducherry had been confirmed in the Appeal by the learned II Additional Sessions Judge, Puducherry are well reasoned judgment and does not warrant any interference by this Court.

15. The learned Public Prosecutor vehemently objected to the line of arguments of the learned Counsel for the Revision Petitioner. It was the submission of the learned Public Prosecutor, Puducherry that there were materials available before the trial Court regarding the abusive words used by the Accused/ Mother-in-law of the Deceased. There was evidence through



Crl.R.C.No.830 of 2019

P.W-1, P.W-2, P.W-3 and P.W-4. The Mother-in-law of the Deceased used to

visit her Son, once in a while. On the date of occurrence, the Accused had

scolded her Son and also the daughter-in-law using abusive words. Because

of the mother-in-law, the Deceased had gone to the house of her parents and

requested them for providing dowry or any other materials in lieu of dowry.

Since the parents of the Deceased refused, the Accused who was the mother-

in-law of the Deceased had abused the newly married woman that she had

come to her matrimonial home without any materials (i.e., dowry) and

scolded her using abusive words (வெறுங்கழுத்தோடு வந்தவ) and

(தெஷடியா). For using such abusive words, the Deceased protested stating

that if ever the mother-in-law use such abusive words, she would commit

self-immolation. Immediately for that, the mother-in-law yelled as “**you**

commit self-immolation, you end your life” (“நீ செத்துப் போ”).

Therefore she had committed self-Immolation. P.W-1/landlady of the house

who was residing on the ground portion and was aware of the family

circumstances had given the complaint under Ex.P-1.



WEB C

16. The learned Public Prosecutor, Puducherry had relied on the contents of Ex.P-1, wherein the entire events had been stated resulting in self-immolation by the Deceased. Therefore the dying declaration under Ex.P-8 given by the deceased incriminating the mother-in-law is natural. The learned Principal Assistant Sessions Judge, Puducherry solely relying on the dying declaration cannot be considered as perverse. The Appeal preferred by the Revision Petitioner before the learned II Additional Sessions Judge, Puducherry was dismissed and confirmed the judgment of the learned Principal Assistant Sessions Judge, Puducherry. When the two Courts had appreciated evidence had arrived at a conclusion that the Accused had committed offences under Section 306 of IPC. This Revision has no merit and has to be dismissed. This Court as Revision Court cannot re-appreciate the evidence.

17. The learned Public Prosecutor, Puducherry relied on the following rulings in support of his arguments, in the cases of,

(i) ***State of Uttar Pradesh -vs- Veerpal & Another*** in Crl.A.No.34 of 2022 by the Hon'ble Supreme Court, reported in ***2022 4 SCC 741***;



Crl.R.C.No.830 of 2019

(ii) ***Mahalingam -vs- State in Crl.A.No.214 of 2014 by this Court,***

reported in 2016 3 Crimes(HC) 209.

Point for consideration

Whether the judgment of conviction recorded by the learned Principal Assistant Sessions Judge, Puducherry in S.C.No.54 of 2014 dated 08.09.2017 and the dismissal of the Appeal in C.A.No.29 of 2017 by the learned II Additional Sessions Judge, Puducherry dated 03.06.2019 are to be set aside as perverse?

18. Heard the learned Counsel nominated by the Legal Aid Committee for the Revision Petitioner, Thiru.Ethirajalu. Heard the learned Public Prosecutor, Puducherry, Thiru.K.S. Mohandoss. Perused the judgment of the learned Principal Assistant Sessions Judge, Puducherry in S.C.No.54 of 2014 and the learned II Additional Sessions Judge, Puducherry in C.A.No.29 of 2017.

19. On perusal of the judgment by the learned Principal Assistant Sessions Judge, Puducherry, it was found that the learned Principal Assistant Sessions Judge had relied on the dying declaration. On perusal of Ex.P-8, it was found that the deceased had in her dying declaration recorded by the

16/27



WEB CODE

learned Judicial Magistrate/P.W-14 stated that on the date of occurrence, the mother-in-law had scolded, but she had not stated the specific words uttered by the mother-in-law. P.W-1/landlady had given complaint under Ex.P-1 wherein the evidence had been narrated from the date of marriage till the date of self-immolation. P.W-1 had deposed before the Court, had not disclosed the contents of the Ex.P-1 in her evidence. In the cross examination, P.W-1 had stated that she does not know who had taken down the complaint under Ex.P-1. She admits that she had given complaint to the Police Station, Mettupalayam regarding self-immolation committed by the Deceased. The Inquest report under Ex.P-14 stated that the deceased committed self-immolation, as She was unable to bear the abusive words of her mother-in-law. In the dying declaration it was stated,

“எனக்கு திருமணமாகி ிறு மாதமாகிறது. என் கணவர் டிரைவராக உள்ளார். நாங்கள் இருவரும் தனிக்குடித்தனம் நடத்தி வருகிறோம். என் மாமியாருக்கு எங்கள் திருமணத்தில் சம்மதம் இல்லை. அடிக்கடி திட்டிக்கொண்டு இருந்தார். நான் குடியிருந்த வீட்டுக்கு வந்து தகராறு செய்தார். வீட்டுக்காரரிடம், அவரது மகனை பிரித்து வந்து விட்டேன் என்றும், எங்களை வீட்டை காலி செய்யச் சொல்லி வீட்டுக்காரரிடம் திட்டினார். நாங்கள் லவ் மேரேஜ் செய்து கொண்டோம். அதனால் என் மாமியாருக்கு



என்னைப் பிடிக்கலை. என் கணவரும் அவர் தீட்டுவதை கண்டு கொள்வதில்லை. இன்னைக்கு காலைல என் மாமியார் ஒருவருடன் வந்து வீட்டுக்கு வெளியே சத்தம் போட்டார். என் மகனுடன் இருக்காதே ஓடி விடு என்றார். அசிங்கசிங்கமாக திட்டினார். இப்படி திட்டாதீங்க, அசிங்கப்படுத்தாதீங்க என்றேன். வீட்டுக்குள் வந்து என்னை அடித்தார். நான் தீ வைத்துக் கொள்வேன் என்றேன். முதலில் அதை செய் என்றார். நான் வீட்டுக்குள் சென்று மண்ணெண்ணையை எடுத்து ஊற்றித் தீ வைத்துக்கொண்டேன். அக்கம் பக்கம் உள்ளவர்கள் வந்து காப்பாற்றினார்கள். நானாகத் தான் அவமானம் தாங்காமல் தீ வைத்துக்கொண்டேன். படித்துக் கேட்டேன் சொன்னபடி சரியாக உள்ளது. எரிந்து கொண்டிருக்கும் போது கூட அவர் (கணவரும், மாமியாரும்) வந்து காப்பற்றவில்லை. படித்துக் கேட்டேன் சொன்னபடி சரியாக உள்ளது”.

20. From the evidence, it was found that the P.W-2 and P.W-3 were parents of the deceased, they had not attended the marriage. They have not seen the Accused. In their evidence, they had stated that the deceased had come to their house seeking some materials in lieu of dowry, as she was unable to bear the scoldings of her mother-in-law. The parent of the Deceased refused as they had objected to the love affair. She had returned after one month of stay from her parents house. Their evidence through the statement of the witnesses before the P.W-12/Sub Divisional Magistrate, that



prior to committing self-immolation, there was a complaint with the Police

that the deceased wanted to go back to her parents house. After one month

she came back to her matrimonial house after counselling by the Police

regarding the dispute between the Husband and the Wife. The Deceased

wanted to set up a separate house as there was objection to their love

marriage in both their families. Under those circumstances, the deceased had

felt humiliated by the conduct of her husband who was not going for work

after the marriage. He was dependent on the Accused for his daily

requirements. There is evidence by P.W-1/landlady that the Accused took out

the premises on lease to set up the family of the Son of the Accused. Since

both the families objected to the love marriage, it is natural for the Accused

to set up a separate home for her Son to lead a responsible marriage life.

Instead the Son of the Accused was not going for job and depended on his

mother for his requirement. Therefore on the alleged date of occurrence, she

scolded her Son. P.W-1/the landlady in her evidence in cross examination

stated that she was talking to the husband of the deceased in the front portion

of her house when she observed flames emanating from the upstairs portion,

she rushed along with the Accused and put out the fire. Originally the case



was registered under Section 309 of IPC. Subsequent to the death of the deceased, the case was altered to offence under Section 306 of I.P.C, as though the mother-in-law abated the deceased to commit self-immolation. When the mother had scolded the son and the daughter-in-law objected stating that she will commit suicide for which the mother-in-law reiterated “You do so”. That cannot be a sole ground to convict the Accused. It is true that the dying declaration mentioned about the scolding the Son by his Mother. That cannot be sole reason for a woman aged about 19 years to commit suicide. The evidence of P.W-2 and P.W-3/parents of the deceased that they objected to the love affair. The deceased went out along with the son of the Accused and performed marriage in Chennai. Subsequently they came back to Puducherry and took up a house on rent. After setting up a separate house, the deceased alleged to have gone to residence of her parents seeking material support to lead family life. But they refused. On her return, the mother-in-law came and scolded her son for being irresponsible after marriage, for not going to work and for seeking financial help from her. At that time, the deceased wife watching the discussion between the Mother and the Son from the upstairs, Mother and son talking in the presence of the



landlady in front of the house in the ground floor. She had observed from the front upper portion and got frustrated. Immediately, she alleged to have committed suicide.

21. As rightly pointed out by the learned Counsel for the Revision Petitioner, the learned II Additional Sessions Judge, Puducherry had relied only on the dying declaration to convict the Accused/the mother-in-law of the deceased. There were other circumstances available before the Court through the witnesses P.W-1 to P.W-4 that there was objection to the love marriage by the parents of the deceased as well as the in-laws of the deceased. After marriage, the mother-in-law of the deceased had set a separate home for the well being of her Son. Whereas, her Son was irresponsible and seeking financial help from his Mother without going for job. That had contributed to the depression in the mind of a young women aged about 19 years. It was true that she had stated that her mother-in-law scolded her but that is not the entire case. She was in depression that she was not in a position of getting the moral support from her parents. That was available from the evidence of P.W-2 and P.W-3. The fact that the dying declaration mentioned about the



love marriage and objection by both the families. One part of the dying declaration alone was relied by the learned Principal Assistant Sessions Judge, Puducherry.

22. As per the ruling relied by the learned Public Prosecutor, Puducherry in the case of *Mahalinga -vs- The State* reported in (2016) 3 Crimes (HC) 209, the learned Judicial Magistrate who had recorded the dying declaration of the deceased had clearly stated in his cross examination that the deceased had stated she was depressed and had committed self immolation was admitted by P.W-14 in his cross examination. The learned Principal Assistant Sessions Judge, Puducherry failed to consider the totality of the consideration and merely blaming mother-in-law alone cannot be justified.

23. Here, the learned Judicial Magistrate had recorded the Ex.P-8 following all the due procedures. Still there were circumstances available in the dying declaration that the deceased committed self immolation due to depression. The evidence of P.W-2 and P.W-3/parents of the deceased clearly



stated that they had objected to the love marriage. They also denied materials and moral support, when deceased came to their house and sought financial help. Only later she committed suicide. Therefore the blame cannot be put only on the Accused. The Accused as a responsible Mother and responsible mother-in-law had set up a house for separate family whereas the Son of the Accused was irresponsible and not going for employment and earning for which she had naturally as a Mother as a responsible Mother scolded her son, which had caused the depression in the mind of the deceased.

24. The reported ruling of the Hon'ble Supreme Court, relied by the learned Public Prosecutor, Puducherry in the case of **State of Uttar Pradesh -vs- Veerpal and another**, reported in **2022 4 SCC 741**, where it is not applicable to the facts of the case herein. In the facts of the reported decision there were multiple dying declaration. Therefore the trial Court had rejected the dying declaration. Here it is not the case, the dying declaration was relied by the learned trial Judge and the entire dying declaration gives out the circumstances leading to the self-immolation. There need not be any corroboration evidence of P.W-2 and P.W-3 clearly stated that there were



objection to the relationship. They have denied moral and material support when the deceased sought support. Only after returning from her Parents home, the deceased had committed suicide. That much is available in the dying declaration. Therefore the judgment of conviction on the mother-in-law cannot be accepted as reasonable.

25. As per the reported ruling of the Hon'ble Supreme Court, there were many circumstances that contribute to a person committing suicide. Financial difficulties lead to depression, lack of moral support from the elders in the family to face challenges, contributes to depression. There are many factors which cannot be identified in the cases dealing with suicide. Here the facts available in the trial leads to circumstances that both the families of the parents of the deceased as well as the parents of in-laws of the deceased objected to the love marriage. Under those circumstances, the Accused who is the mother-in-law of the deceased had taken out the rented portion to set up a separate residence for her Son and her daughter-in-law. when the Son was not going for any job and not earning and being dependent on her, the Accused had scolded her son. she was standing down stairs in



front of the house and in the presence of the landlady, the Accused was scolding her son. The deceased was watching the development from the first floor portion, having suffered depression, she had committed self-immolation. It is true, that she had narrated the events from her marriage till her committing self-immolation. Under those circumstances, blaming the Accused alone for the death of the deceased cannot be considered as acceptable reason. The reliance placed by the learned Principal Assistant Sessions Judge, Puducherry solely on the dying declaration that too a particular portion of the dying declaration and not taking the entire dying declaration to convict the Accused is found perverse. The learned II Additional Sessions Judge, Puducherry upheld the judgment of conviction and rejected the ground of appeal is also found perverse.

26. In the light of the above discussion, the point for consideration is answered in favour of Revision Petitioner and against the Prosecution. The judgment of the conviction recorded by the learned Principal Assistant Sessions Judge, Puducherry and confirmed by learned II Additional Sessions Judge, Puducherry are to be set aside.



Crl.R.C.No.830 of 2019

WEB COPY In the result, **this Criminal Revision Case is allowed.** The judgment of the conviction recorded by the learned Principal Assistant Sessions Judge, Puducherry and confirmed by learned II Additional Sessions Judge, Puducherry are set aside.

11.03.2024

shl/dh

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking Order



WEB COPY



Crl.R.C.No.830 of 2019

SATHI KUMAR SUKUMARA KURUP, J.

shl/dh

To:

- 1.The II Additional Sessions Judge,
Puducherry.
- 2.The Principal Assistant Sessions Judge,
Puducherry.
3. The Section Officer, VR Records,
High Court, Madras.

Crl.R.C.No.830 of 2019

11.03.2024

27/27