



Crl.A(MD)No.514 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

Crl.A(MD)No.514 of 2022

- 1.Manikandan @ Manivannan
- 2.Thangathai
- 3.Malathi
- 4.King
- 5.Lattuthai

... Appellants/Accused Nos.1, 2, 4, 5 & 6

Vs.

The State represented by,
The Deputy Superintendent of Police,
Usilampatti Sub Division,
Usilampatti Town Police Station,
Madurai District. ... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C to call for the records relating to the Judgment dated 22.06.2022 made in S.C.No.383 of 2014 on the file of the learned Sessions Judge, Mahilar Court, Madurai and set aside the conviction and



Crl.A(MD)No.514 of 2022

sentence imposed against the appellants/A1, A2, A4, A5 and A6 and allow the above appeal by acquitting the appellants.

For Appellant : Mr.R.Gandhi
Senior Counsel
for M/s.Ajmal Associates

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This appeal is directed as against the Judgment passed in S.C.No.383 of 2014, dated 22.06.2022, on the file of the learned Sessions Judge, Mahilar Court, Madurai, thereby convicting the appellants for the offences punishable under Sections 498(A) and 304-B of I.P.C.

2.The case of the prosecution is that the first accused is the husband of the deceased, accused Nos.2 and 3 are the parents of the first accused, accused No.4 is the sister of the first accused, accused
2/30



Crl.A(MD)No.514 of 2022

No.5 is the husband of the fourth accused and accused No.6 is the mother of accused No.5. All the accused are relatives. The marriage between the first accused and deceased was solemnized on 15.02.2009. Out of their wedlock, a male child was born in the year 2010. Thereafter, the father of the deceased expired. Subsequently, disputes arose due to the unlawful demand of huge dowry by the accused. Hence, the deceased went to her parental home. After the demise of the deceased's father, the accused demanded one-third share in the death benefits of her father. Further, they also demanded 10 sovereigns of gold jewels from the parents of the deceased. Since the father of the deceased was working as and Assistant Agricultural Officer, the accused expected more dowry from the deceased's family. The deceased did not return to her matrimonial home till December 2013.

3.While being so, during the month of December 2013, the first accused requested the deceased and her mother to send the

3/30



Crl.A(MD)No.514 of 2022

deceased back to the matrimonial home. He also promised that he would not demand any jewels or cash. Believing the said words, the deceased returned to her matrimonial home along with her child.

4.While being so, on 02.01.2014, the accused once again demanded dowry of 10 sovereigns of gold jewels and also one-third share in the death benefits of her father. Therefore, the deceased once again returned to her parental home. She also lodged a complaint before the All Women Police Station, Usilampatti and a C.S.R was issued. While the enquiry was pending, the first accused filed a divorce petition and the deceased received the divorce notice from the Court on 02.04.2014. On seeing the Court notice, the deceased became upset and at about 03.15 p.m on 02.04.2014, she herself poured kerosene and set fire on herself at her parental home. She was immediately taken to the Government Hospital, Usilampatti and thereafter referred to the Government Rajaji Hospital, Madurai. However, she succumbed to the burn injuries at about 08.45 p.m. On



Crl.A(MD)No.514 of 2022

the next day, on 03.04.2014, a complaint was lodged and the same has been registered in Crime No.119 of 2014 for the offences punishable under Sections 498(A) and 304-B of I.P.C. After completion of investigation, the respondent filed a final report and the same has been taken cognizance by the Trial Court.

5.On the side of the prosecution, in order to bring the charges to home, they examined P.W.1 to P.W.15 and Exs.P1 to P18 were marked. The prosecution also produced Material Object M.O.1. On the side of the accused, Ex.D.1 to Ex.D.3 were marked and no witnesses were examined before the Trial Court.

6.On perusal of the oral and documentary evidence, the trial Court found A.1 guilty for the offences punishable under Sections 498(A) and 304-B of I.P.C and found Accused Nos.2, 4, 5 and 6 guilty for the offences punishable under Sections 498(A) and 304-B of I.P.C. A.1 was sentenced to undergo three years Rigorous



Crl.A(MD)No.514 of 2022

WEB COPY

Imprisonment and to pay a fine of Rs.2,00,000/- in default, to undergo six months Simple Imprisonment for the offence punishable under Section 498(A) of I.P.C and he was sentenced to undergo Life Imprisonment for the offence punishable under Section 304-B of I.P.C. Accused Nos.2, 4, 5 and 6 were sentenced to undergo three years Rigorous Imprisonment each and to pay a fine of Rs.5,000/- each in default, to undergo six months Simple Imprisonment each for the offence punishable under Section 498(A) of I.P.C and Accused Nos.2, 4, 5 and 6 were sentenced to undergo seven years Rigorous Imprisonment each for the offence punishable under Section 304-B of I.P.C.

7.During the pendency of the trial, A.3, the father-in-law of the deceased, died and as such, all the charges against him stood abated. Aggrieved by the same, Accused Nos.1, 2, 4, 5 and 6 have preferred the present appeal as appellants.



Crl.A(MD)No.514 of 2022

WEB COPY

8.The learned senior counsel appearing for the appellants submitted that even according to the case of the prosecution, the deceased went to her parental home on 02.01.2014. Thereafter, on 02.04.2014, she poured kerosene and set herself on fire. Therefore, there are absolutely no ingredients to attract the offence under Section 304-B of I.P.C. In order to prove the charge under Section 304-B of I.P.C., there must be cruelty or harassment at the hands of the accused soon before the death of the deceased.

9.In the case on hand, the deceased went to her parental home as early as on 02.01.2014 and committed suicide only on 02.04.2014, that too after receiving the notice in the divorce petition issued by the Trial Court. Therefore, the prosecution failed to prove the charge under Section 304-B of I.P.C.

10.In support of his contention, the learned senior counsel relied upon several Judgments of the Honourable Supreme Court of



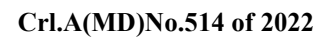
Crl.A(MD)No.514 of 2022

India and of this Court.

WEB COPY

11.The learned senior counsel appearing for the appellants further submitted that insofar as the offence under Section 498-A of I.P.C is concerned, though the Revenue Divisional Officer conducted an enquiry and revealed that there was a dowry demand, after such alleged dowry demand, the deceased returned to the matrimonial home. Thereafter, there was absolutely no allegation as against the appellants herein with regard to any further demand of dowry. All of a sudden, after seeing the notice issued by the Court in the divorce petition, the deceased became agitated and committed suicide by pouring kerosene on herself. It establishes the intolerant character of the deceased that she has no tolerance for anything. The Trial Court convicted the appellants only on the basis of dying declaration from the deceased. Even as per the dying declaration she made specific allegation only as against Accused Nos. 1 and 4 to 6. There was absolutely no establishment of motive as against A.2 and A.3, who

8/30



12. The learned senior counsel further submitted that the deceased failed to discharge her matrimonial obligations and that immediately after giving birth to a male child, she went to her parental home. In fact, she went to her parental home for delivery and thereafter did not return back to the matrimonial home. Only in the year 2013, at the request of the first accused and appellants, the deceased returned back to the matrimonial home. Thereafter, there was absolutely no complaint as against the appellants. Once again, on her own, she went to her parental home. Therefore, the first accused filed a divorce petition on several grounds, which was numbered as H.M.O.P.No.67 of 2014 on the file of the Sub Court, Usilampatti. Thereafter, the Court issued notice to the deceased. On receipt of the said notice, she committed suicide.



Crl.A(MD)No.514 of 2022

WEB COPY

13.Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that there was continuous harassment meted out to the deceased at the hands of the accused. They frequently demanded huge dowry from the deceased immediately after the demise of her father. The accused demanded one-third share in the death benefits of her father and also 10 sovereigns of gold jewels. When the deceased failed to bring the demanded dowry from her parents, she was driven out of the matrimonial home. In fact, she also lodged complaint before the All Women Police Station, Usilampatti and a C.S.R was issued, which was marked as Ex.P.4. Therefore, there was continuous harassment by way of dowry demand.

14.While being so, the first accused filed a divorce petition, pursuant to which the Court issued notice. On receipt of the said notice on 02.04.2014, she became upset and committed suicide by setting herself on fire after pouring kerosene. Further, the

10/30



Crl.A(MD)No.514 of 2022

deceased was very much conscious while being taken to the hospital.

Her dying declaration was recorded and marked as Ex.P.14.

15.Ex.P.14 clearly reveals that due to continuous harassment and dowry demand at the hands of the accused and also on receipt of the notice in the divorce petition filed by A.1, the deceased committed suicide. Therefore, the prosecution clearly proved the charges under Sections 498(A) and 304-B of I.P.C before the Trial Court. Hence, the appellants were rightly convicted for the offences punishable under Sections 498(A) and 304-B of I.P.C and the same does not warrant any interference of this Court.

16.Heard the learned counsel appearing on either side and perused the materials placed on record.



Crl.A(MD)No.514 of 2022

WEB COPY

17. There are totally six accused, out of whom A.3 died during the pendency of the trial. Therefore, the charges for the offences punishable under Sections 498(A) and 304-B of I.P.C stood abated as against him. The first accused, being the husband of the deceased, was instigated by A.4 to A.6, who are none other than his sister, her husband and the mother of the fifth accused and they collectively demanded huge dowry from the deceased. They also assaulted her in connection with the dowry demand. While the deceased was residing in the matrimonial home, she delivered a male child in the year 2010 at her parental home. Thereafter, due to harassment meted out by the accused, the deceased did not return back to the matrimonial home. Only in the month of December 2013, A.1 requested P.W.1, who is mother of the deceased, to send her back to the matrimonial home and assured that there would be no harassment by demanding dowry. Believing the said assurance, the deceased returned to the matrimonial home. However, once again, A.1 at the instigation of A.4 to A.6, demanded dowry and assaulted

12/30



Crl.A(MD)No.514 of 2022

her. Consequently, the deceased returned to her parental home on 02.01.2014 and on the same day, she lodged a complaint, which was marked as Ex.P4.

18.A perusal of Ex.P4 reveals that the deceased made specific allegations as against A.1 and A.4 to A.6 with regard to demand of dowry. She also alleged that A.1 and A.4 to A.6 assaulted her and drove her out of the matrimonial home. Therefore, in order to save herself from that misery, the deceased went to her parental home. On receipt of the said complaint, a CSR was issued. During the enquiry, all the accused appeared before the Inspector of Police, All Women Police Station, Usilampatti and assured their co-operation in the enquiry.

19.While the enquiry was pending, A.1 filed a divorce petition in H.M.O.P.No.67 of 2014 before the Sub Court, Usilampatti. After receipt of the divorce petition, the Court



Crl.A(MD)No.514 of 2022

numbered the same and issued notice to the deceased, which was served on her on 02.04.2014.

20.The mother of the deceased had deposed as P.W.1. Her evidence reveals that even at the time of marriage there was a demand of dowry, which was fulfilled by them. After the marriage, the deceased and A.1 resided in their matrimonial home at Chennai. Thereafter, the deceased got pregnant and was brought to her parental home for delivery, where she gave birth to a male child on 06.04.2010. Subsequently, the husband of P.W.1 unfortunately died on 12.04.2010. Even while he was undergoing treatment in the hospital, there was a demand for huge dowry, due to which he suffered mental stress and ultimately succumbed to a heart attack.

21.While being so, A.1 requested P.W.1 to send his wife back to the matrimonial home and assured that they would not be no dowry demand. Relying upon the assurance, P.W.1 sent the deceased

14/30



Crl.A(MD)No.514 of 2022

WEB COPY

to the matrimonial home in the month of December 2013. However, within a month, there was dowry demand and as such on 02.01.2014, the deceased once again returned to her parental home. She also lodged a complaint before the Inspector of Police, All Women Police Station Usilampatti. The said facts are corroborated by the evidence of P.W.2, who is none other than the brother of the deceased. The sister of the deceased was examined as P.W.3 and she also corroborated the evidence of P.W.1 and P.W.2. However, there is not even a whisper of allegation against A.2 and A.3 regarding dowry demand or harassment. All allegations were levelled only as against A.1 and A.4 to A.6. Therefore, the prosecution failed to prove the charges against A.2 and A.3. Since A.3 died during the trial, the entire conviction and sentence imposed as against A.3 stood abated. The conviction and sentence imposed against A.2 cannot be sustained and are liable to be set aside.



Crl.A(MD)No.514 of 2022

22.Insofar as A.1 and A.4 to A.6 are concerned, the prosecution clearly proved the charge under Section 498-A of I.P.C by cogent and clinching evidence. Therefore, the Trial Court rightly convicted them for the said offence and the same does not warrant any interference of this Court.

23.Insofar as the charge under Section 304-B of IPC is concerned, the prosecution mainly relied upon the dying declaration of the deceased, which was marked as Ex.P.14. On a perusal Ex.P.14, it is clear that only on receipt of the notice from the Court in the divorce petition filed by A.1 on 02.04.2014, the deceased became upset and at about 3.15 p.m on 02.04.2014, poured kerosene on herself and set fire on her own thereby committing suicide. The relevant portion of her dying declaration is extracted hereunder:

“எனது நாத்தனார் மாலதி அவர் கணவர்
கிங். கிங்கின் தாயார் லட்டுத்தாய் ஆகியோர்கள்
தூண்டுதலின் பேரில் எனது கணவர் என்னை
கொடுமைப்படுத்தினார். வரதட்சனை கேட்டு



Crl.A(MD)No.514 of 2022

கொடுமைப்படுத்தினார்கள். எனது அப்பா 2010-ம் வருடம், ஏப்ரல் 12-ம் தேதி இறந்துவிட்டார், எனது தகப்பனார் விவசாய அபீல் உசிலம்பட்டியில் வேலை பார்த்தார். எனது அப்பா இறந்ததில் பணம் வந்தது. அந்த பணத்தை வாங்கித்தரச் சொல்லி என்னை கொடுமைப்படுத்தினார்கள். எப்போது பார்த்தாலும் divorce notice அனுப்புவேன் என்று சொல்லி பயமுறுத்தினார்கள். இன்று நோட்டீஸ் வந்தது. ஏனவே நான் notice ஐ அம்மாவிடம் தீ கொளுத்திக் கொண்டேன். நான் எனது வளைகாப்புக்கு வீட்டுக்கு வந்தேன் நான் எல்லா வளையல்களையும் போட்டுக் கொண்டு அம்மா வீட்டிற்கு வந்து விட்டேன். பின்பு குழந்தை பிறந்த பிறகு அங்கு போகவில்லை. பின்பு 2011-ம் வருடம் மாசி மாதம் சென்றேன். 10 நாட்கள் அங்கு இருந்தேன். அப்போது வரதட்சணையா எனது அப்பாவுக்கு வந்த பணத்தை தரும்படியும் தராவிட்டால் விவகரத்து செய்தது விடுவதாதகவும் மிரட்டினார்கள் அப்போது லட்டுத்தாயும் மாலதியும், கிங்கும் அடித்தார்கள். எனது கணவர் பார்த்துக் கொண்டிருந்தார். நான் அவர்களுக்கு பயந்து எனது அம்மா வீட்டிற்கு வந்து விட்டேன். அதற்கு உசிலம்பட்டி அனைத்து மகளிர் காவல் நிலையத்தில் புகார் கொடுத்தேன். அவர்கள் நடவடிக்கை எடுக்கவில்லை பின்பு 2018-ம் வருடம் மார்ச்சு மாதம் போனேன். ஜனவரி 2-ம் தேதி



Crl.A(MD)No.514 of 2022

அவர்கள் அனைவரும் சேர்ந்து என்னை அடித்து விரட்டிவிட்டார்கள். எனது அம்மா வீட்டிற்கு வந்தேன். Notice அனுப்பியதை தெரிந்து கொண்டு இன்று காலை உசிலம்பட்டி மகளிர் காவல் நிலையத்திற்கு சென்று புகார் கொடுத்தேன். அங்கு அவர்கள் கேஸ்போட்டால் ஒரு வாரம் ஜெயிலில் இருந்துவிட்டு பின்பு மீண்டும் வேலைக்கு சென்றுவிடுவான். கேஸ் போடவேண்டாம் என்று சொல்லி அனுப்பிவிட்டார்கள். மதியம் 2 மணிக்கு வந்தது notice வந்தது. அது கோர்ட் சம்மன் என நான் எனது தாயாரிடம் கொடுத்துவிட்டு எனது வீட்டில் கொஞ்ச நேரத்தில் தீ கொளுத்திக் கொண்டேன். நான் தீ கொளுத்தியதற்கு லட்டுத்தாய், மாலதி, கிங் மற்றும் எனது கணவர் மணிவண்ணன் என்ற மணிகண்டன் ஆகியோர்கள் தான் காரணம். எனவே அவர்கள் மேல் நடவடிக்கை எடுக்க கேட்டுக் கொள்கிறேன்.”

24.Thus, it is clear that there are specific allegations as against A.1 and A.4 to A6 in respect of demand of dowry and harassment. Further, after receipt of the notice from the Court in the divorce petition, the deceased poured kerosene and set fire on her own to commit suicide. The said facts are corroborated by the



Crl.A(MD)No.514 of 2022

evidence of P.W.1 to P.W.3. The relevant portion of the evidence of P.W.1 is as follows:

“2.1.2014 அன்று வக்கீல் நோட்டீஸ் வந்தது. அதை வாங்க மறுத்து விட்டோம். வக்கீல் நோட்டீஸ் கொண்டு வந்த குமஸ்தா கோர்ட் நோட்டீசை வாங்கவில்லை என்றால் உன்னை அரஸ்ட் பண்ணி நடவடிக்கை எடுப்போம் என்று சரவணகுமார் என்ற கோர்ட் ஊழியர் சொன்னார். என் மகள் பள்ளிகூடம் குழந்தையை விட சென்ற வந்தவுடன் நாங்கள் நோட்டீசை வாங்கி கொள்கிறேன் என்று சொன்னார். சரவணகுமார் எங்களிடம் அவர்கள் நோட்டீசை கொடுத்தார். நான் போய் எல்லோரிடமும் கேட்டேன். அவர்கள் வாங்கு பின்னால் பார்த்துக்கொள்வோம் என்றுச் சொன்னார்கள். என் மகள் பள்ளிக்கூடத்திலிருந்து வந்த என் மகள் 12 மணிக்கு வந்தது. போன் அடித்து சரவணக்குமாரை வரச்சொல்லி அவரிடம் என் மகள் நோட்டீசில் கையெழுத்து போட்டு வாங்கியது. நான் வாங்கிய தேதி 2.1.2014 ஆகும். அவர்கள் கொடுத்த நோட்டீசில் விவாகரத்து என்று போட்டிருந்தது, நானும் என் மகளும் பக்கத்தில் சிலரை விசாரித்தோம். விசாரித்துக் கொண்டிருக்கும் போது என் மகள் வீட்டிற்கு வந்துவிட்டது. நான் விசாரித்துக் கொண்டிருந்தேன். அப்போது என் மகள்



Crl.A(MD)No.514 of 2022

சசிகலா சீமை தண்ணியை மேலே ஊற்றிக்கொண்டது, அது தீக்குச்சியை பொருத்தி மேலே (ஒப்பம் K.ரெஜினா) 9 வைத்து விட்டது. வீட்டில் ஒரு புகையாக வந்தது. இது எங்கள் வீடு மாடியில் நடந்தது. அது ஒரு 3- 1/2 மணிக்க மேலே இருக்கும்.”

25.It is also relevant to extract the relevant portion of the evidence of P.W.2, which reads as follows:

“அதன் பிறகு என் அக்காவீட்டிற்கு வந்தபிறகு போன் செய்து அவரை வரவழைத்து நோட்டீஸை பெற்றதாகவும் நோட்டீசு பெற்றதாகவும் அந்த நோட்டீசை வாங்கியஉடன் நோட்டீஸ் பிரித்து பார்க்கவில்லை. விவகாரத்து நோட்டீஸ் என்று பார்த்தஉடன் என் அக்கா மனம் உடைந்து எங்கள் மெத்து மேலே என் அக்கா மன்னெனையை ஊற்றிக்கொண்டு தீ பொருத்திக்கொண்டது. அந்த நேரத்தில் நோட்டீசை எடுத்துக் கொண்டு பக்கத்தில் இருப்பவர்களிடம் நோட்டீசில் இருக்கும் விபரத்தை படித்து அந்த நேரத்தில் படித்து மாடியில் தெரிந்த கொள்ள அந்த நேரத்தில் எங்கள் வீட்டு மாடியில் நிறைய புகை வருவதாக ஊர்காரர்கள் என் அம்மாவிடம் கூறினார்கள்.”



Crl.A(MD)No.514 of 2022

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26. Thus, it is evident that the deceased went to her parental home as early as on 02.01.2014, which is also borne out by the complaint lodged by her, which is marked as Ex.P.4, before the Inspector of Police, All Women Police Station Usilampatti, with regard to demand of dowry. After a period of nearly three months, i.e. On 02.04.2014, the deceased was served with notice from the Court in H.M.O.P.No.67 of 2014 filed by A.1. Immediately on receipt of the said notice, the deceased poured kerosene on herself and set fire on her own, sustained burn injuries and subsequently died in the hospital.

27. From the above evidence, it has to be seen that whether the prosecution has proved the charge under Section 304-B of IPC or not. It is relevant to extract Section 304-B of IPC, which reads as follows:

“304B. Dowry death.—(1) Where the death of a woman is caused by any burns or bodily injury



Crl.A(MD)No.514 of 2022

or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.

For the purposes of this sub-section, presumption can be raised only on proving of the following essence:

(a) the death of a woman was caused by any burns or bodily injury or occurs otherwise than under normal circumstances

(b) the said death took place within seven years of her marriage.

(c) the woman was subjected to the cruelty or harassment by her husband or his relatives.

(d) such cruelty or harassment was for, or in connection with, any demand for dowry.

(e) such cruelty or harassment was soon before her death.”



Crl.A(MD)No.514 of 2022

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28.Thus, it is clear that where the death of a woman is caused by any burns or bodily injury, or occurs otherwise than under normal circumstances, and such death takes place within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called a “dowry death”.

29.Section 113-B of the Indian Evidence Act, 1872, enjoins a statutory presumption as to dowry death in the following terms:

*“113-B. Presumption as to dowry death.-
When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.*

Explanation.-For the purposes of this



Crl.A(MD)No.514 of 2022

section, “dowry death” shall have the same meaning as in Section 304-B of Indian Penal Code (45 of 1860).”

The presumption under Section 113-B will apply when it is established that soon before her death, the woman has been subjected by the accused to cruelty or harassment for, or in connection with, any demand for dowry. Therefore, even for attracting Section 113-B, the prosecution must establish that the deceased was subjected by the appellant to cruelty or harassment for or in connection with any demand of dowry soon before her death. Unless these facts are proved, the presumptions under Section 113-B of the Evidence Act cannot be invoked.”

30.The scope and purport of Section 304-B of IPC and Section 113-B of the Indian Evidence Act, 1872, make it clear that the presumption is contingent upon the prosecution first establishing the ingredients of the offence of Section 304-B of IPC. Furthermore, the essential ingredient is that the accused must have subjected the



Crl.A(MD)No.514 of 2022

women to cruelty or harassment in connection with the demand for dowry soon before her death. This ingredient has to be proved by the prosecution beyond reasonable doubt. Only thereafter can the Court presume that the accused has committed the offence of dowry death under Section 113 of the Indian Evidence Act.

31.In the case on hand, admittedly, the deceased went to her parental home on 02.01.2014. Thereafter, there was no such allegation as against the accused that they demanded dowry or harassed her. It was only on 02.04.2014 and that too after receipt of the notice issued by the Court in the divorce petition filed by A.1, that the deceased became upset and committed suicide. Therefore, the presumption under Section 113-B of the Indian Evidence Act, 1872, cannot be applied, as the prosecution failed to establish that soon before her death, the deceased was subjected to cruelty or harassment by the accused in connection with any demand for dowry. Hence the provision under Section 113-B of the Indian

25/30



Crl.A(MD)No.514 of 2022

Evidence Act, 1872 cannot be invoked to punish the accused for the offence punishable under Section 304-B of IPC.

32. That apart, the occurrence took place after seven years from the date of the marriage between A.1 and the deceased. Therefore, the prosecution has failed to prove the charge under Section 304-B of IPC against any of the accused.

33. In view of the above, this Court passes the following order:

(i) The entire conviction and sentence imposed as against A.2 for the offence under Sections 498(A) and 304-B of I.P.C are set aside and A.2 is acquitted of all the charges.

(ii) Insofar as A.1 and A.4 to A.6 is concerned, the conviction and sentence imposed on them for the offence punishable under Section 304-B of I.P.C are set aside and they are acquitted of the said charge.



Crl.A(MD)No.514 of 2022

WEB COPY

(iii) The conviction and sentence imposed on A.1 for the offence punishable under Section 498-A of I.P.C are hereby confirmed.

(iv) The conviction imposed on A.4 to A.6 for the offence punishable under Section 498-A of I.P.C is hereby confirmed.

(v) The sentence of three years imprisonment imposed on A.4 and A.5 for the offence punishable under Section 498-A of I.P.C is modified to two years Simple Imprisonment.

(vi) The sentence of three years imprisonment imposed on A.6 for the offence punishable under Section 498-A of I.P.C is modified to one year Simple Imprisonment.

(vii) The fine amount, if any paid, in respect of the offences under Section 304-B and 498(A) of I.P.C shall be refunded to A.2, A.4 to A.6 forthwith.

(viii) The sentences of imprisonment imposed on A.1 and A.4 to A.6 shall run concurrently.



Crl.A(MD)No.514 of 2022

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(ix) The period of imprisonment already undergone by A.1 and A.4 to A.6 shall be set off under Section 428 of Cr.P.C.

34. With the above modifications, the Criminal Appeal is partly allowed. The respondent is directed to secure A.1 and A.4 to A.6 and produce them before the Trial Court for taking further steps in accordance with law.

**[G.K.I.J.,] & [R.P.J.,]
28.01.2026**

NCC : Yes/No
Index : Yes/No
Internet : Yes
ps



Crl.A(MD)No.514 of 2022

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To

1.The Sessions Judge,
Mahilar Court,
Madurai.

2.The Deputy Superintendent of Police,
Usilampatti Sub Division,
Usilampatti Town Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.A(MD)No.514 of 2022

G.K. ILANTHIRAIYAN, J.
AND
R. POORNIMA, J.

ps

Crl.A(MD)No.514 of 2022

28.01.2026

30/30