



Crl.A(MD)No.858 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2026

CORAM:

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

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Parameshwari

... Appellant/Accused No.3

Vs.

State represented by,
The Inspector of Police,
Sivakasi East Police Station,
In Crime No.851 of 2020,
Virudhunagar District.

... Respondent/Complainant

PRAYER:- Criminal Appeal is filed under Section 374(2) of Cr.P.C to call for the records and set aside the order of conviction and sentence passed in S.C.No.34 of 2021 dated 05.09.2022 on the file of the learned Fast Track Mahila Court, Virudhunagar District and allow this appeal.



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For Appellant : Mr.AK.Azagarsami
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

JUDGMENT

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

This appeal has been preferred as against the Judgment passed in S.C.No.34 of 2021 dated 05.09.2022 on the file of the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, thereby convicting the appellant for the offence punishable under Section 201 of I.P.C.

2.The case of the prosecution is that the third accused is the mother of the first accused and the second accused is a friend of the first accused. The first accused was residing opposite the house of the deceased. While being so, on 08.08.2020, when the deceased was alone in her house, A.1 and A.2, with the common intention to commit dacoity, knocked on her door. The deceased opened the door



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and the second accused strangled her neck to silence her. The first accused then entered into the house armed with a sickle. At that juncture, the deceased raised an alarm. Therefore, the first accused attacked her with the sickle on the centre of the head, back side of the head, left side of the head, the neck, forehead, right wrist and all fingers indiscriminately. Thereafter, they snatched her chain. When they fled away from the house of the deceased, the third accused had seen them. Even then, she did not disclose to anybody about the occurrence.

3. Based on the complaint, the respondent registered an F.I.R in Crime No.851 of 2020 for the offences punishable under Sections 449, 392, 397, 302 read with 34, 302 read with 114, 34 and 201 of I.P.C. After completion of the investigation, a final report was filed and the same was taken cognizance by the Trial Court.



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4.The Trial Court had framed charges as against A.1 for the offences punishable under Sections 449, 392, 397, 302 read with 34 of I.P.C, as against A.2 for the offences punishable under Sections 449, 392 and 302 read with 114 of I.P.C and as against A.3 for the offence punishable under Section 201 of I.P.C.

5.In order to bring the charges to home, the prosecution examined P.W.1 to P.W.26 and marked Exs.P1 to P22. The prosecution also produced Material Objects M.O.1 to M.O.14. On the side of the accused, no witnesses were examined and no documents were produced before the Trial Court.

6.On perusal of the oral and documentary evidence, the trial Court found the appellant herein/A.3 guilty for the offence punishable under Section 201 of I.P.C and sentenced her to undergo seven years Rigorous Imprisonment and also imposed a fine of Rs.5,000/- in default, to undergo six month Rigorous Imprisonment.



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Aggrieved by the same, A.3 as appellant has filed the present Criminal Appeal.

7.The learned counsel appearing for the appellant submitted that no test identification parade was conducted by the prosecution to identify the accused. The first accused was arrested on 10.08.2020, which is completely contradictory to the evidence of P.W.2. According to her, she went to the police station on the date of occurrence and on the same day, A.1 was arrested and remanded to judicial custody. Insofar as the appellant is concerned, she has been arrayed as A.3 and there is no evidence to show that she screened the evidence. Even according to the case of the prosecution, A.1 and A.2 came out of the house of the deceased and she had seen them, but did not inform to anybody. Even then, without considering the above facts and circumstances, the Trial Court mechanically convicted the appellant for the offence punishable under Section 201 of I.P.C.



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8.Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that the appellant is none other than the mother of the first accused. She knew that both A.1 and A.2 had committed a very serious and heinous offence and even then, she did not disclose it to anybody and screened them from the consequences of the occurrence. She also diverted P.W.1 when P.W.1 enquired about the persons, who committed the offence. A.3 diverted P.W.1 to a different place and also gave a false identity. She further suppressed the fact that A.1 and A.2 were coming from the house of the deceased. Therefore, the Trial Court rightly convicted the appellant and the same does not warrant any interference of this Court.

9.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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10. There were totally three accused, of whom A.1 did not file any appeal. A.2 filed an appeal and while the appeal was pending, he died on 01.10.2024. Therefore, the entire charges as against A.2 stand abated.

11. The appellant is arrayed as A.3 and she is none other than the mother of A.1. The only reason for implicating the appellant as an accused is that she is the mother of A.1 and resides just opposite to the house of the deceased. The Trial Court framed a charge as against the appellant for the offence punishable under Section 201 of I.P.C.

12. On perusal of the charge, it is revealed that, even after seeing A.1 and A.2 coming out from the deceased's house, she did not disclose the same to anybody and suppressed the said fact. The charge as against the appellant is as follows:



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“ஐந்தாவதாக,

மேற்படி சம்பவத்தின் தொடர்ச்சியாக 1 மற்றும் 2 எதிரிகள் இறந்துபோன பிரகதிமோனிகாவிடம் கொள்ளையடித்து, அவரை கொலை செய்துவிட்டு, இருவரும் தப்பி ஓடியதை கண்ணுற்ற 1 வது எதிரியின் தாயாரான 3வது எதிரி பரமேஸ்வரி குற்ற சம்பவத்தை மறைக்க வேண்டுமென்ற எண்ணத்தில் யாரிடமும் கூறாமல் மறைத்துள்ள குற்றம் புரிந்ததால் உம்மில் 3 வது எதிரியாகிய உம்மீது இதச பிரிவு 201 ன் படியும்,”

13.In order to bring home the said charge, the prosecution examined P.W.1. Except P.W.1, no one has spoken about the appellant herein. P.W.1 is the husband of the deceased. He deposed that A.1 and A.3 reside in front of his house. On 08.08.2020, at about 02.00 p.m., he received a phone call from the tea shop owner. Immediately, A.1 came there with his bike to pick him up. P.W.1 rushed to his house along with A.1 and saw that the deceased had fallen unconscious with multiple injuries. He raised an alarm and immediately A.3 and other neighbours came to the scene of crime.



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When the Investigating Officer came there for enquiry at about 03.15 p.m., A.3 voluntarily stated that she had seen one black colour lean person proceeding towards the northern side. She also mono-acted like him. Therefore, the Investigating Officer suspected her.

14.The relevant portion of evidence of P.W.1 is as follows:

“சிறப்பு துணைக்கண்காணிப்பாளர் சம்பவத்தன்று மாலை 03.15 மணிக்கு வந்து விசாரித்தார். அவருடன் நிறைய போலீசார் இருந்தார்கள். என்னை விசாரித்துக் கொண்டிருந்த போது, ஆஜர் எதிரி பரமேஸ்வரி அவராகவே முன்வந்து நான் பார்த்தேன் வடக்குப் பக்கமாக கருப்பாக ஒல்லியாக ஒரு பையன் போனான் என்று கூறினார். நடந்தும் காட்டினார். இரண்டு தடவைகள் வேறு வேறு மாதிரியாக கால் ஊனமுற்றவர் போல் நடந்து காட்டிய போது, இரண்டாவது தடவை நடந்த போது அவருக்கு எதிரி பரமேஸ்வரி மீது சந்தேகம் வந்துவிட்டது.”

Thus, it is clear that the appellant herself informed P.W.1 that she had seen one lean black person going towards the northern side from the deceased's house.



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15. Another neighbour was examined as P.W.2. She was also acquainted with the accused and the deceased's family. She deposed that when A.3 came to the deceased's house, she informed her that one lean black person went from the deceased's house towards the northern side. Therefore, except these statements, no one has spoken about the overt act on the part of the appellant to prove the charge under Section 201 of I.P.C.

16. It is relevant to extract the provision under Section 201 of I.P.C, which reads as follows:

“201. Causing disappearance of evidence of offence, or giving false information to screen offender.— Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false.”



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17.The above offence is not at all attracted in this case as against the appellant, for the simple reason that, even according to the case of the prosecution, she informed others that one lean black person was going towards northern side. This does not mean that she gave false information to screen the offender. She did not do anything to cause disappearance of evidence. In fact, when P.W.1 raised an alarm, the appellant came to his house.

18.Even assuming that the appellant had seen A.1 and A.2 coming out of the deceased's house, she had no knowledge that they had murdered the deceased for gain. Therefore, the prosecution miserably failed to prove the charge for the offence under Section 201 of I.P.C as against the appellant.

19.In view of the above, the conviction and sentence imposed on the appellant in S.C.No.34 of 2021 dated 05.09.2022 on

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the file of the learned Fast Track Mahila Court, Virudhunagar District, cannot be sustained and are liable to be set aside.

20.In the result, this Criminal Appeal is allowed and the Judgment made in S.C.No.34 of 2021 dated 05.09.2022 on the file of the learned Fast Track Mahila Court, Virudhunagar District, is hereby set aside and the appellant is acquitted of all the charges. The bail bond, if any, executed by the appellant shall stand cancelled. The fine amount, if any paid, shall be refunded to the appellant. The appellant shall be set at liberty forthwith, if she is no longer required in connection with any other case.

[G.K.I.J.] & [R.P.J.]
20.01.2026
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NCC :Yes/No
Index :Yes/No
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To

1.The Fast Track Mahila Court,
Virudhunagar District.

2.The The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

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



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