

BAIL SLIP

The Appellant herein/Accused was released on bail and in by the order dated 05.02.2014 made in M.P. No 1/2014 in CRL.A. No 280 of 2014 on file of this Hon'ble High Court, Madras.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :07.02.2017

C O R A M

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

Criminal Appeal No.280 of 2014

Krishnaraj @ Raja ... Appellant/Accused

Vs

The Deputy Superintendent of Police,
Udumalpet Division,
Amaravathy Nagar Police Station,
Crime No.674 of 2011. ... Respondent/Complainant

Prayer: Appeal filed under Section 374(2) Cr.P.C., against the Judgment dated 31.01.2014 passed in S.C.No.58/2012 on the file of Mahalir Neethimandram, Fast Track Mahila Court (Sessions Judge, Mahila Court), Thiruppur.

For Appellant : Mr.R.Nalliyappan

For Respondent : Mr.R.Ravichandran
Government Advocate (Crl. Side)

JUDGMENT

The Appellant/Accused has preferred the instant Criminal Appeal before this Court (as an aggrieved person) as against the Judgment dated 31.01.2014 in S.C.No.58 of 2012 passed by the Learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thiruppur.

2.The Learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thiruppur, while passing the impugned Judgment in S.C.No.58 of 2012 on 31.01.2014, had, among other things, observed that the prosecution had proved the charge levelled against the Appellant/Accused under Section 306 I.P.C. beyond reasonable doubt, by placing cogent evidences and by examining proper witnesses and filing necessary documents. Viewed in that perspective, the Appellant/Accused was convicted

under Section 306 I.P.C. by sentencing him to undergo seven years Rigorous Imprisonment and also directed him to pay a fine of Rs.5,000/-, in default of payment of said fine amount, he was further directed to undergo six months Simple Imprisonment. The period already undergone by the Appellant/Accused was directed to be set off in terms of Section 428 Cr.P.C.

3.Challenging the correctness and legality of the Judgment dated 31.01.2014 in S.C.No.58 of 2012 passed by the trial Court, the Appellant/Accused has filed the instant Appeal by urging before this Court that the Judgment of conviction rendered by the trial Court is against Law, weight of evidence and all probabilities of the case.

4.According to the Learned Counsel for the Appellant, the trial Court failed to appreciate that Muniammal (deceased) died on 10.07.2011 and her body was taken for cremation and at that place, the Respondent had seized the Muniammal's body and after that P.W.1 made a complaint before the Respondent stating that the said Muniammal died due to chest pain.

5.It is represented on behalf of the Appellant that the Respondent based on the Complaint - Ex.P.1 (filed by P.W.1) had registered a case under Section 174 Cr.P.C. That apart, the Learned Counsel for the Appellant brings it to the notice of this Court that the deceased Muniammal committed suicide by hanging because of the reason that she had illicit relationship with the Appellant before her marriage with P.W.3 and these aspects were brought out during the course of investigation and later the case registered under Section 174 Cr.P.C. was altered into Section 306 I.P.C. and a charge sheet was laid in this regard.

6.The Learned Counsel for the Appellant takes a stand that in the instant case, the interested witnesses had developed their case every now and then and this vital aspect of the matter was not taken into account by the trial Court at the time of passing the impugned Judgment.

7.Advancing his arguments, the Learned Counsel for the Appellant takes a plea that initially during investigation none of the witnesses had stated that the Appellant/Accused had contacted the deceased (Muniammal) on 09.07.2011 or 10.07.2011 and harassed her. In this connection, it is projected on the side of the Appellant that subsequently the witnesses had developed statements to attract an offence under Section 306 I.P.C. which would point out that the case of the Prosecution is a suspicious one.

8.The Learned Counsel for the Appellant refers to Ex.P1 - Complaint given by the brother of the deceased (P.W.1) and

points out that in the complaint, it was, among other things, mentioned that '.... on 10.07.2011 at about 12.30 p.m. in the afternoon, there was a chest pain and suddenly expired and obtaining the said information through phone, he started from Madras and came to his place' and subsequently, P.W.1, in his cross examination, had stated that his uncle's daughter approximately at 12.00 noon on 10.07.2011 gave information about the incident to commit suicide, but she had not informed about the reason for the suicide and as such, there is a discrepancy in regard to the averment made in Ex.P.1 - Complaint by P.W.1 and in regard to the evidence tendered by him during cross examination as stated supra.

9.The Learned Counsel for the Appellant also points out that P.W.2 (deceased Muniammal's mother), in her evidence, had stated that her daughter after marriage was in the house of her Son-in-Law for a week and after one week, she brought her to their house and before her marriage, she was in her house and after her marriage, she was happy and living happily in her Husband's house.

10.The Learned Counsel for the Appellant specifically points out to the evidence of P.W.2 (in chief examination) that her daughter (Muniammal) came to her house and on Saturday, they brought her son-in-law and daughter to their house and during night there was a feast and she went on the backyard of her house to find out as to what had happen to her daughter who had gone after some time she saw the Appellant and her daughter (Deceased Muniammal) were quarrelling with each other and that the Appellant after seeing the deceased and told that he had loved her and that he would only see her body and would not allow her to live with her husband and she brought her daughter to her house thinking that about this matter, she could inform her brother and when she reprimanded the Appellant/ Accused, he ran away from that place.

11.The Learned Counsel for the Appellant invites the attention of this Court to the evidence of P.W.2 (mother of deceased) that on the next day, viz., Sunday they cooked food by purchasing two kilos of meat and her daughter was in the eastern side of the room and her mother-in-law was on the western side of the room and at that time, the Appellant/Accused after her daughter finished her lunch, started phoned up to her and he caused harassment by her by stating that he was not allowed her to live and for that she informed her daughter not to worry she called her brother's son Paulraj and she informed him to bring his daughter for lunch and when she went there and she found her daughter unable to bear the harassment had committed suicide by hanging.

12.The Learned Counsel for the Appellant submits that P.W.2 - mother of the deceased in her evidence (during cross examination) had stated that both the Appellant/Accused and his daughter Muniammal had not talked each other and with a wrong intention and from this, it is quite clear that the Appellant/Accused is not responsible in any way for his act of suicide committed by the said Muniammal.

13.The Learned Counsel for the Appellant contends that on the body of the deceased there was no ligature mark was seen and her Hyoid bone was also intact and further blood was found in the mouth of the deceased Muniammal and therefore, the possibility of death of the deceased by hanging was ruled out. Unfortunately, the trial Court had not looked into these pivotal aspects which had resulted in an erroneous judgment being passed against the Appellant.

14.The Learned Counsel for the Appellant submits that the mere act of the Appellant/Accused in talking to the deceased Muniammal which later ended in Muniammal committed suicide by hanging would not attract Section 306 I.P.C. In fact, the plea of the Appellant that there was no Mens Rea on the part of the Appellant/Accused and in the absence of Mens Rea, the Appellant/Accused could not be convicted under Section 306 I.P.C.

15.The Learned Counsel for the Appellant refers to Ex.P6 - the Report of R.D.O., wherein it was mentioned that there was no demand of dowry either by the Son-in-Law or by his people and prior to the death, Muniammal had wrongly moved with Raja (Appellant) and as such, Ex.P6 - Report is only in favour of the Appellant and not in favour of the Respondent/Prosecution.

16.The Learned Counsel for the Appellant refers to the evidence of P.W.9 (Doctor), who had deposed (in chief examination), that Ex.P3 was the Postmortem Report and that it was opined that because of the suicide committed (hanging) by the deceased, the death would have occurred and further that, because of the hanging and by reason of asphyxia, the deceased would have died 30 to 36 hours prior to the postmortem and in Ex.P3, he and his doctor colleague had affixed their signatures.

17.The Learned Counsel for the Appellant refers to the evidence of P.W.12 (Superintendent of Police), who had stated (in cross examination), that the witness had informed that before Muniammal committed suicide by hanging, the Appellant/Accused spoke to her and to verify its veracity, he had not subjected the cellphone of Muniammal for examination/enquiry.

18.The Learned Counsel for the Appellant contends that the Respondent/Prosecution had incorrectly altered the case under Section 174 Cr.P.C. into that of 306 I.P.C. and in this regard, Ex.P8 (Alteration Report) submitted before the Learned Judicial Magistrate No.I, Udulmalpet and no weight can be attached to the same, because of the simple reason that in the present case, the Appellant/Accused had neither harassed the deceased Muniammal nor induced her or aided her to commit suicide by hanging.

19.The Learned Counsel for the Appellant refers to the Judgment of this Court in CrI.A.(MD).No.449 of 2006 (between Ayyappan V. State rep. By The Inspector of Police) reported in CDJ 2016 MHC 3667, wherein at paragraphs 33 to 37, it is observed as follows:

"33.In Amalendu Pal @ Jhantu v. State of West Bengal (2010) 1 SCC 707 : LNIND 2009 SC 1978 the Hon'ble Apex Court has opined as under:

12.Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether that cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which let or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.

34.The offence of abetment requires 'mens rea' (guilty mind). There must be intentional doing/aiding or goading the commission of suicide by another. Otherwise, even a mere casual remark, something said in routine and usual conversation will be wrongly construed or misunderstood as 'abetment'.

35.In Gangula Mohan Reddy v. State of A.P. AIR 2010 SC 327: (2010) 1 SCC 750: (2010) 1 SCC (Cri.) 917: LNIND 2010 SC 3: (2010) 2 MLJ (CrI) 410, it was held that

to attract Section 306 I.P.C., there must be clear 'mens rea' to commit offence.

36. In *M. Mohan v. State by D.S.P., Karaikudi* (supra) the Hon'ble Supreme Court observed as under:

"Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the Legislature and the ratio of the cases decided by this court are clear that in order to convict a person under section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have intended to push the deceased into such a position that he/she committed suicide."

37. Sometimes, the decision to commit suicide might be taken by the victim himself/herself, unaccompanied by any act or instigation etc. on the part of the accused. A person may die like a coward. On his failure in the examination, a student may commit suicide. They are weak minded. They are persons of frail mentality. For their foolish mentality/decision, another person cannot be blamed."

20. Per contra, it is the submission of the Learned Government Advocate (Crl. Side) that before the trial Court, on behalf of the Respondent/Prosecution, witnesses P.W.1 to P.W.12 were examined and Exs.P1 to P8 were marked. No Material Objects were marked. On the side of the Appellant/Accused, no one was examined as witness and Ex.D1 (Private Complaint) was marked.

21. At this stage, the Learned Government Advocate (Crl. Side) contends that the trial Court had meticulously analysed the oral and documentary evidence of prosecution witnesses and came to the consequent conclusion that the Appellant/Accused was guilty in respect of an offence under Section 306 I.P.C. and sentenced him to undergo Rigorous Imprisonment for a period of seven years, besides imposing him to pay a fine of Rs.5,000/-, in default of payment of said fine amount, a default sentence of six months Simple Imprisonment was imposed and the same does not suffer from any legal flaw.

22.For a fuller and better appreciation of the entire conspectus of the factual matrix of the present case, it is useful for this Court to make a relevant mention of the evidence of Prosecution witnesses.

23.P.W.1 (Brother of the deceased Muniammal), in his evidence, had deposed that on 10.07.2011 when the incident took place he was at Madras and that on 03.07.2011, his sister Muniammal was given in marriage to his uncle Rajendran in Kasiviswanathan temple at Kolumam and that the said marriage was arranged by the elders and after sister marriage for a week, sister Muniammal was his Brother-in-Law's House and a week's later, for the feast, she was invited to his house and that one year prior to the marriage of his sister (Muniammal), there was relationship/connection between the Appellant (Raja) and his sister (Muniammal) and they were moving as friends and that it came to light that the Appellant had tortured his sister over phone and that the Appellant threatened his sister that she should come to a place called by him. Otherwise, he would harm her reputation and therefore, his sister had committed suicide by hanging and at the time of his sister committed suicide, he was at Chennai and his Aunt's daughter viz., sister Meena informed him about this, through phone and he had given Ex.P1 - Complaint on 11.07.2011.

24.P.W.1 in his evidence proceeds to add that at the time of giving complaint, he does not know about the incident in entirety and only after giving complaint, he came to know about the full details and that the Appellant had stated that his sister should come to the place to be specified by him, otherwise, he would harm her reputation and further that he was informed her husband and because of that his sister (Muniammal) unable to bear the same, had committed suicide by hanging.

25.P.W.1 (in his cross examination) had stated that his Aunt's daughter at 12.30 p.m. on 10.07.2011 approximately informed him about her sister committing suicide, but she had not assigned reason for the same.

26.It is the evidence of P.W.2 (mother of P.W.1 and the deceased Muniammal), in her evidence, had deposed that her daughter Muniammal had committed suicide by hanging with an aid of Dhoti and when they got marry to her daughter with their Son-in-Law when their liking and after marriage, her daughter was in a happy and was residing happily in own's house and her daughter and her husband were called to their house for the feast on 09.07.2017 and the feast took place on the said night and when she went to backyard situated near her house with a view to find out as what had happened to her daughter Muniammal, she saw the Appellant/Accused and her daughter (Muniammal) were quarreling with each other and that the Appellant/Accused after seeing her

daughter had stated that 'he loved her' and that he would see the body of her which was seen by him and that he would not allow her to live with her husband.

27.Proceeding further, P.W.2 in her evidence had stated that she had informed her daughter (Muniammal) that don't get confused and she would inform her brother and would reprimand the Appellant and on the next day, viz., Saturday they purchased two kilos of Meat and all of them cooking the same, her daughter was on the eastern side of the room and her Son-in-Law was on the western side of the room and at that time, the Appellant/Accused phoned up to her daughter Muniammal after lunch and he harassed her daughter by stating that he would not allow her to live with her husband and she informed her not to worry about this and calling his brother's son Paulraj and at that time, she saw her daughter unable to bear the harassment of the Appellant/Accused had committed suicide and her daughter was found hanging on the rafters with the aid of Dhoti.

28.P.W.3 (Husband of the deceased Muniammal) in his evidence had deposed that he and his wife Muniammal were living happily in their village without any problem and on 09.07.2011 they came to his Mother-in-Law's house (P.W.2's house) and after supper during night at about 9.00 or 9.30 he went outside for answering the calls of nature and later came to his Mother-in-Law's house and on the next day at 10'o clock in the morning, they had feast and since his wife was newly wedded, nearby people were making enquiries with her and that after food, he went for sleep and about approximately 2.00 p.m. in the afternoon, he asked with his Mother-in-Law as to where his wife Muniammal and said that he was hungry and at that time, his uncle's daughter Veena and his Mother-in-Law's Brother's son Paulraj were there and he asked them to wakeup and went to Bathroom and when he was proceeding to the Bathroom, at that time, there was knocking/beating of the door and that he remained casually and thought that only endeavours were made to wake up and after breaking the door, they went inside and found his wife was hanging and his Mother-in-Law, Meena and Paulraj cut the Dhoti and brought the body of his wife Muniammal down and at that point of time, he was not aware of the reason as to why she had died.

29.P.W.3 in his evidence had stated that he was informed by his Mother-in-Law (P.W.2) that his daughter Muniammal and the Appellant (Raja) was having illicit relationship for one year and since that would get settled after marriage, hence, Muniammal's marriage was performed and but for the death of his wife Muniammal, he was informed by the neighbours that the Appellant/Accused was responsible and that the Appellant/Accused had threatened his wife by asking her to come through phone, otherwise he informed her that he would not allow her to live

with her husband unitedly and on the day when he came to the house of the P.W.2, the Appellant had phoned up to his wife and had called her and also threatened that his wife could not live with her husband and she should only live with him for which his wife was crying and this was questioned by his Mother-in-Law (P.W.2) at that time, one boy was standing on the down below and when his Mother-in-Law (P.W.2) asked the Appellant as to why he is harassing her, he ran away from the place.

30.P.W.4 in his evidence had stated that on the afternoon of Sunday, he was informed that Muniammal committed suicide by hanging and he came to know that having illicit relationship with the Appellant/Accused and Muniammal and there were talks that Muniammal had committed suicide because of the harassment given to her by the Appellant and that he was examined by the Police.

31.P.W.5 in his evidence had deposed that the deceased Muniammal unable to bear the act of the Appellant in regard to her illicit relationship with him and committed suicide and he heard about the same. He also heard that for the death of Muniammal, the Appellant was the only responsible.

32.P.W.6, in his evidence, had stated that on the next day at about 2.00 p.m. he heard the noise and when he went and saw, Muniammal was found hanging and upon enquiry, he was informed that the Appellant had phoned up to her and within 10 minutes, she had committed suicide and for the death of Muniammal, the Appellant was responsible for his force/demand.

33.P.W.7 in his evidence had deposed that because of the Appellant, he heard that the Muniammal had died and he had informed the Police at the time of his examination that he does not know about the incident and that in Observation Mahazar - Ex.P2, he had affixed his signature and the second signature was affixed by one Periyappan.

34.P.W.8 in his evidence had stated that he knew that Muniammal and her husband had feasted her Mother's house on 09.07.2011 for the Maaruveedu feast and on the morning of the occurrence, when Muniammal was in the pyol (jpz;iz) he went and talked with her and that already Muniammal had loved the Appellant/ Accused and since the Appellant's conduct was not proper, Muniammal had loved him and subsequently, she happily married another person and she informed him about the harassment caused by the Appellant/ Accused over the phone and also she had informed him that every now and then, directly the Appellant/Accused was threatening her.

35.P.W.8 in his evidence further stated that the Appellant/ Accused had threatened her that he would let others know about

his acquittance with Muniammal and for the sexual relationship, the Appellant was threatening Muniammal, which was informed by her to him and the deceased Muniammal was related to him like that of a sisterly one.

36.P.W.9 (Doctor), in his evidence, had stated that while he was served at Udulmalpet Government Hospital on 11.07.2011, he along with Dr.Vanaja conducted Postmortem on the body of Muniammal, based on the requisition received from R.D.O. and the Postmortem Certificate - Ex.P3 was given by him and he had given certificate by stating that because of asphyxia, on account of the suicide committed by the deceased through hanging, her death would have occurred 30 to 36 hours prior to the conduct of Postmortem.

37.P.W.10, in his evidence, had deposed that he had received the Complaint - Ex.P1 from P.W.1 and registered the First Information Report - Ex.P5 and since there was a suspicion on account of death of Muniammal, he sent the F.I.R. for further enquiry to be conducted by the Revenue Divisional Officer.

38.P.W.11 in his evidence had deposed that since Muniammal had died within one week of her marriage, the registered F.I.R. was sent to him for his proposal and since the Police had mentioned that it was a suspicious death, he sent the body of Muniammal for conducting Postmortem to the Udumalpet Government Hospital and prepared the Observation Mahazar in this regard.

39.P.W.12 (Superintendent of Police), in his evidence, had deposed that he received the F.I.R. on the morning of 11.07.2011 in Crime No.676/2011 Amaravathy Police Station registered under Section 174 Cr.P.C. and after visiting the place of occurrence, in front of witnesses, Saravanan and Periyappan, prepared a Rough Plan and Observation Mahazar and the Mahazar prepared by him was Ex.P2 and Ex.P7 was the Plan and later, he transmitted the same to the Revenue Divisional Officer for the purpose of conducting inquest enquiry and also examined Murugesan, Thangammal, Rajendran, Karuppusamy, Rani, Saravanan and Periyappan and recorded their statements.

40.It is the evidence of P.W.12 that on 08.09.2011 he examined witnesses Arunachalam, Dhandapani, Chinnakaruppusamy and recorded their statements and based on their reports, he altered the case Section from 174 Cr.P.C. into that of Section 306 I.P.C. and sent the Alteration Report - Ex.P8 to the Court and after obtaining the Report of the R.D.O., since it was mentioned therein that the deceased Muniammal had not died due to dowry and from the beginning prior to her marriage she was having relationship with the Appellant that was the reason for her death, he examined the Revenue Divisional Officer and recorded his statement and on 09.09.2011, he arrested the

Appellant/Accused and with the requisite documents, sent him to Judicial Custody and after obtaining Postmortem Report and also examining Dr.Rajeswari and Dr.Vanaja, recorded their statements and after obtaining the Report from the Government Advocate, he laid the Final Report under Section 306 I.P.C.

41.P.W.12, in his evidence, had stated that he had not subjected the cellphone of the Appellant to find out about the veracity of the Appellant speaking to Muniammal through the Cellphone and that he had not seized the Dhoti and further, it is not known what had happened to it.

42.In this connection, it may not be out of place for this Court to make a significant mention that the 'Abetment' is constituted by (i)instigating a person to commit an offence; or (ii) engaging in a conspiracy to commit it; or (iii) intentionally aiding a person to commit it. Further, to constitute an abetment, it is for the prosecution to establish (i) that the accused aided, abetted, counselled or procured the commission of the principal offence; (ii) that the principal offence was in fact committed; and (iii) that he had the intend to aid or encourage its commission.

43.To proceed against an individual in respect of an offence under Section 107, the prosecution must establish the element of 'guilty mind'. In order to constitute 'Abetment', the Abettor must be shown to have 'intentionally' aided to the commission of the crime. Intentional aiding and therefore active complicity is the tenor of the offence of abetment, as opined by this Court. Indeed, an individual is said to 'instigate' another to an act, when he actively suggests or stimulates him to the act by any means of language, direct or indirect whether it takes the form of express solicitation or of hints, insinuation or encouragement. To put it precisely, the Law does not contemplate that instigation, in a case of abetment by instigation, ought to be in a particular form or that it must be only in words and may not be by conduct. Of course, whether there was an instigation or not, is a question to be decided based on the facts and circumstances of an each case, in the considered opinion of this Court.

44.Besides the above, the term 'instigation' is to goad, urge, forward, provoke, incite or encourage to do 'an act'. For abetment by instigation, the instigation should have reference to the thing that was done, and not to the thing that was likely to have been done by the person who is instigated. In respect of an offence under Section 306 I.P.C. abetment must attract the definition of Section 107 I.P.C. In order to make out the offence of abetment or suicide, necessary proof is required that the offender is either instigating the victim to commit suicide or has engaged himself in a conspiracy with others for the

commission of suicide, or has intentionally aided by act or illegal omission in the commission of suicide, as per decision Mangat Ram V. State of Haryana, AIR 2014 SC at page 1782.

45. In so far as the offence under Section 306 I.P.C. is concerned, the burden is on the Prosecution to prove (1) that the victim of the offence commit suicide (2) that the accused abet the commission of the said offence; (3) such abetment being one under Section 107 I.P.C.

46. As far as the present case is concerned, the evidence of P.W.2 and P.W.6 point out to the fact that the Appellant/Accused forcing Muniammal to have sexual relationship with him notwithstanding the fact that she get marry to P.W.3 and this only had insisted the deceased Muniammal with her broken heart to commit suicide by hanging. Also that, P.W.8 had stated that the Appellant/ Accused by phoning up to the deceased Muniammal to have sex with him etc. otherwise he would disclose her previous affair to her husband and spoiled her life was the route cause for the deceased taking an extreme step to commit suicide by hanging. In short, the evidence of P.W.2 (Mother) is corroborated by the evidence of P.W.6 and P.W.8.

47. In so far as the Complaint (Ex.P1) given by P.W.1 (Brother of the deceased Muniammal) was concerned, he had clearly deposed in his evidence that only after filing the complaint, he came to know about the incident that let her sister committed suicide and he does not know about the happenings prior to her death. As such, the contradiction in Ex.P1 - Complaint points out that the witness to the evidence of PW.1 and P.W.2 are not that much material to affect the story of the prosecution, as opined by this Court.

48. In regard to the absence of ligature mark on the body of the deceased Muniammal (because of the fact that the deceased had tied Dhoti around her neck) that itself cannot make the case of prosecution is suspicious one, in fact, although P.W.10 (R.D.O.), who conducted inquest on the body of the deceased Muniammal, had stated, in her evidence, that there was no dowry harassment by deceased family, but she had mentioned that on enquiries, she came to the conclusion that because of the persistent nagging given by the Appellant, the deceased was forced to commit suicide by hanging, by taking an extreme step.

49. In the light of detailed qualitative and quantitative discussions mentioned supra and also this Court, bearing in mind of the entire attendant facts and circumstances of the present case in an encircling manner, comes to an inevitable conclusion that the Respondent/ Prosecution had established his case against the Appellant/Accused in respect of an offence under Section 306 I.P.C. beyond all reasonable doubt. In this regard,

this Court is in complete agreement with the view taken by the trial Court. However, considering the facts and circumstances of the present case in a cumulative fashion, this Court reduces the punishment of seven years Rigorous Imprisonment to that of five years Rigorous Imprisonment to subserve the ends of Justice. However, this Court is not displacing the fine amount of Rs.5000/- imposed by the trial Court. Consequently, the Appeal succeeds in part.

50. In fine, the Appeal is allowed in part. The Judgment of the trial Court in S.C.No.58 of 2012 dated 31.01.2014 stands modified in above terms. The Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thiruppur is directed to secure the presence of the Appellant/Accused and to immure him in Prison for serving the remaining period of sentence.

s/d-
Assistant Registrar(CCC)

//True Copy//

Sub-Assistant Registrar

To

1. The Sessions Judge,
Mahalir Neethimandram,
Fast Track Mahila Court, Thiruppur.
 2. The Deputy Superintendent of Police,
Udumalpet Division,
Amaravathy Nagar Police Station.
 3. The Superintendent,
Central Jail, Coimbatore.
 4. The Section Officer,
Record Section, High Court, Madras.
 5. The Judicial Magistrate, No I,
Udumalpet
 6. Do Thro The Chief Judicial Magistrate, Tiruppur
(for infarmation)
 7. The Public Prosecutor, High Court, Madras
- +1 CC to M/s. R. Nalliyappan, Advocate sr 8386

Cr1.A.No.280 of 2014

AK(CO)
sp/22/2