

Bail Slip

The appellant/Accused 1 & 2, namely 1) B. Gopinath S/o Bala Venkatesan and 2) Parameswarai w/o. Bala Venkatesan were released on bail vide order dt 16/04/2014 IN CRL MP.NO.1 & 2 /2014 IN CRL A. 203/14.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 31.07.2018

Pronounced on : 06.09.2018

Coram:

The Honourable Mr. Justice RMT. TEEKAA RAMAN

Criminal Appeal No. 203 of 2014

1. B. Gopinath

2. Parameswari .. Appellants/ Accused 1 & 2
/versus/

State: Represented by
Inspector of Police,
Arni Town Police Station,
Tiruvannamalai District.

Crime No. 319 of 2010. .. Respondents/Complaint

Criminal Appeal is filed under Section 374(2) of the Code of Criminal Procedure against the judgment of conviction wherein they were convicted as given hereunder: (i) appellants 1 and 2 are convicted for the offence under Section 498A of the Indian Penal Code and sentenced to undergo 3 years Rigorous imprisonment and imposed a fine of Rs.1000/- in default sentence of 3 months Rigorous Imprisonment and (ii) appellant No.1 is convicted under Section 306 of the Indian Penal Code and sentenced to undergo 10 years Rigorous Imprisonment and imposed a fine of Rs.1000/- in default sentence of 3 months Rigorous Imprisonment by the learned Assistant Sessions Judge (Sub Court) Arni by an order dated 07.04.2014 in S.C.No.22 of 2011.

For Appellant : Mr. R. John Sathyan

For Respondent : Mr. V. Saratha devi

Government Advocate (Criminal Side)

J U D G M E N T

The convicted accused 1 and 2 are the appellants herein. The respondent-police filed a charge sheet against the accused 1, 2 and 3 (acquittal) for the offence under Sections 306 and 498 A IPC. After trial, while A3 was acquitted, the accused 1 and 2 were convicted for the offence under Sections 306 and 498 A IPC. The first accused was sentenced to undergo 3 years Simple Imprisonment and imposed a fine of Rs.5,000/- in default,

to undergo 3 months Simple Imprisonment for the offence under Section 498-A IPC; and to undergo 10 years Simple Imprisonment and to pay a fine of Rs.5,000/- in default to undergo 6 months Simple Imprisonment for the offence under Section 306 IPC and the second accused was sentenced to undergo three years Simple Imprisonment and to pay a fine of Rs.5000/- in default to undergo 3 months Simple Imprisonment for the offence under Section 498-A IPC only. The 2nd accused was acquitted for the offence under Section 306 IPC and the period of sentence already undergone by the appellants was set off. The period of sentence was ordered to run concurrently.

2. Aggrieved against the above said conviction and sentence, the present appeal has been preferred by the appellants.

3. The brief facts of the case is that the first accused married the deceased Anitha on 21.08.2008 as per Hindu Custom. At the time of marriage, 1 ¼ Kg of gold jewels were given as stridhana and the first accused was offered ¼ Kg of gold jewels, Rado watch and a diamond ring. It is the further case of the prosecution that the deceased Anitha and the first accused together lived at Kancheepuram. After a stint blissful marital life, the first accused allegedly started to demand a sum of Rs.50 lakhs and a car, as he suffered a loss in the business.

4. The first accused used to come home drunk and claimed to have many affairs outside marriage and allegedly showed photographs of his girlfriends stored in his laptop and threatened the deceased that he would leave her. Thus being the circumstances, a child was born out of the wedlock. Some time later on 15.02.2010, it is alleged that the deceased Anitha called PW-1[Ramalingam father of the deceased] over phone and asked him to take her from the marital home, since she was subjected to harassment for want of Rs.50 lakhs. On 15.02.2010, PW-2 [Parimala mother of the deceased] went from Arni to Kancheepuram to bring home the deceased Anitha and grandson. According to the prosecution, the accused tortured the deceased overphone demanding Rs.50 lakhs on 16.02.2010. On 17.02.2010, from 08.00 a.m., till 10.00 a.m., all the three accused called Anitha overphone and threatened her by demanding money. On the same day, at about 12.00 noon, the deceased Anitha committed suicide by hanging. At that time, PW-1 went to Mumbai for the purpose of business. PW-2 was away for a cradle function. PW-4 Nithyasnakar brother of the deceased was in the shop looking after his father business. PW-3 Maheswari servant maid came home and heard hue and cry of the child and she called out the deceased Anitha, but there was no response. She then went inside and found Anitha hanging from the bedroom ceiling fan with a saree, which was

marked as M.O.1. Then, PW-3 informed the same to PW-4, who in turn informed the same to PW-1, who was in Mumbai at that time. Immediately, PW-1 came from Mumbai and lodged a complaint on 17.02.2010 at about 10.00 p.m.

5. A case was registered based on the complaint [Ex.P-1] under Section 306 and 498 A IPC. PW-16 [Gopal] Deputy Superintendent of Police at Polur Division, also in charge of Arni Division, took up the investigation, reached the scene of occurrence and examined PW-1 to PW-9. In the meantime, requisition was given to PW-15 (Santhakumari, Revenue Divisional Officer) to conduct inquest on the body of the deceased. On 20.02.2010, PW-17 (Chandrasekaran) Deputy Superintendent of Police, Arni Division took charge, after coming back from leave and conducted further investigation. On completion of investigation, final report has been laid against A1 to A3 for the offence under Sections 306 and 498 A IPC. This trial Court, after considering oral and documentary evidence, has convicted the accused 1 and 2 and sentenced as stated above. Aggrieved by the judgment of conviction and sentence, the appellants have preferred the present appeal.

6. The learned counsel appearing for the appellants submitted that the charges are not proved in the manner known to law. The evidences of PW-1 [Ramalingam], PW-2 [Parimala] and PW-4 [Nithyashankar] are suffers from embellishment, amounting to material contradiction with regard to essential features of Sections 498 A and 306 IPC. The trial Court has failed to consider the various answers elucidated during the cross examination of PW-1[Ramalingam]; PW-2-[Parimala]; PW-4 [Nithyashankar] and PW-17 Investigation officer with regard to the alleged cruelty said to have been caused by the appellants on the deceased Anitha.

7. The learned counsel appearing for the appellants further submitted that the trial Court has not considered the vital variations in the material facts for the alleged inducement driving the person to commit suicide and the trial Court has erred in convicting the appellants herein. The trial Court, without even realising the fact that the suggestive case of the defence has been probablised in the cross examination, has wrongly convicted the appellants. Thus, the learned counsel for the appellants prayed for acquittal.

8. Per Contra, the learned Additional Public Prosecutor made submissions in support of the findings of the trial Court and prayed for dismissal of the appeal.

9. Heard the learned counsel appearing for the appellants as well as the learned Additional Public Prosecutor appearing for the State and perused the materials available on record.

10. Point for determination:

(1) Whether the judgment of conviction under Section 498A IPC against A1 and A2 is sustainable under law?

(2) Whether the judgment of conviction under Section 306 IPC against A-1 is sustainable under law? And

(3) Whether the sentence awarded is Excessive?

11. The 1st accused is the husband of the deceased Anitha, the second accused is the mother-in-law of the deceased and the third accused is the sister-in-law of the deceased (since acquitted). On perusal of the records, it is seen that to buttress the charges, the prosecution has examined the witnesses as PW-1 to PW-17 and marked the documents as Exs.P1 to P12 and also marked M.O.1. PW-1 is the father of the deceased Anitha. PW-8 is the sister of PW-1. The others PW-3(Maheswari), PW-9 (Dharani), PW-6(Paneer Selvam), PW-7(Dhanasekar) and PW-9 (Ethirajan) are servant maid in the house of PW-1 and the staffs working in the shop of PW-1 respectively. PW-10 (Ashok Kuamr) is working at the Forensic Science Department. PW-13 (Dr.Jayaprakash) is the medical witness, who deposed regarding issuance of Ex.P7 [post-mortem certificate]. PW-11(Sathyamurthy), PW-12 (Annadurai), PW-16(Gopal) and PW-17(Chandrasekaran) are the police official witnesses, who deposed regarding registration of the First Information Report, conduct of post-mortem and issuance certificate to that effect and filing of the charge sheet, after investigation and also deposed regarding discharge of their official duty. Both the appellants along with the daughter of the A2, all the three accused, were charge sheeted by the respondent police for the alleged offence punishable under Sections 498 A and 306 IPC. After trial, A3-sister of A1 was acquitted for the offence under Section 498A and 306 IPC.

12. Before holding an accused guilty of an offence under Section 306 I.P.C., 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 the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. 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 led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable. In order to bring home a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC.

13. The case of the prosecution is that the marriage between the deceased Anitha and the first accused Gopinath was solemnised according to Hindu customs on 21.08.2008 and the said Anitha died by committing suicide by hanging on 17.02.2010 at about 12.00 noon in her parental house. According to the prosecution, after the birth of the first child, all the accused have started demanding a car, redo watch and cash of Rs.50 lakhs for the purpose of meeting the business needs, for which the prosecution claimed that A1 has suffered loss in his business.

14. The prosecution is centred on the happenings which have taken place between 14.02.2010 and 17.02.2010. Admittedly, PW-1 was not in the native place Arni and he went to Bombay for the purpose of business, as admitted by him in the cross examination. It is admitted by PW-2 and PW-4 as well as PW-1 that on 14.02.2010, the deceased Anitha with her son along with PW-2 returned from Kancheepuram to Arni and the deceased Anitha has undergone an operation of abscesses at Malar Hospital, which was diagnosed Excision Pilonidal Abscesses, in the month of August 2009. Again she went to Adyar Malar Hospital on 15.02.2010 to get an opinion on the abscesses which is diagnosed as above.

15. The case of the prosecution is that on 17.02.2010 at 10.00a.m., both the accused 1 and 2 in the conference call had spoken to the deceased Anitha and demanded Rs.50 lakhs along with a car, failing which she need not return to the matrimonial home and they will look for another girl and A1 will get second marriage and she would remain in her parents home. Having frustrated by the said allegation and compulsion exercise of the accused which alleged to have induced Anitha to commit suicide on the same day at 12.00 noon.

16. PW-3 housemaid first saw Anitha hanging in the ceiling fan by using of M.O.1. On her information,

PW-4 brother of the deceased along with PW-5, PW-6 and PW-7 the staffs working in the shop came to the home and brought the dead body from the ceiling fan and rushed to the hospital, where she was declared dead. As per the evidence of PW-13 (Dr.Jayaprakash), she committed suicide by hanging and it is an unnatural death.

17. The prosecution has relied upon the version of PW-1, PW-2 and PW-4 for the charges and they have stated in the chief examination that there was a demand of Rs.50 lakhs & a car by A1 and A2. However, on perusal of the cross examination of PW-1, PW-2, PW-4, PW-15 and PW-17, the said allegations are found to be embellishment since as per the version of Revenue Divisional Officer PW-15, Investigating Officer PW-17, they have not stated so during their investigation. Thus, the fact that the private prosecution has not whispered anything regarding demand of dowry as spoken to them in the witness box, assumes significance.

18. Furthermore, even PW-2 has admitted in the cross examination that he has not whispered anything to PW-15 (Revenue Divisional Officer) regarding the alleged demand of dowry by A1 creates bristles of infirmity in the prosecution witness touching upon the essential feature of charge under Section 306 IPC. As stated supra, PW-3, PW-5, PW-6, PW-7 and PW-9 who are all the staff in the office of PW-1 and servant maid in the house of PW-1 have deposed that on 17.02.2010, the deceased Anitha was not keeping well and he was not taken food. Other averments made by them in the witness box are in the nature of hearsay and it does not advance the case of the prosecution in support of the charge either for the offence under Section 306 IPC or 498 A IPC. However, they are only supported for the course of investigation after the incident.

19. It remains to be stated that during the relevant point of time viz., 14.02.2010 to 17.02.2010, PW-1 is not in Arni town. PW-2 mother was not in the house at the time of Anitha committing suicide and the deceased Anitha has committed suicide not in the matrimonial home but in her mother's house, which also assumes significance in view of the suggestive case, which has been elucidated in the cross examination to the level of probablisation.

20. The prosecution has come forward with a definite case that all the three accused demanded money and tortured Anitha overphone through conference call on 15.02.2010, 16.02.2010 and 17.02.2010. It is not spoken in chief by PW-1 and while PW-2 could depose that all the three accused tortured the deceased Anitha over phone through conference call between 08.00 a.m., and 10.00

a.m., on 17.02.2010. In this regard, the prosecution has examined PW-14 [Anandan Nodal Officer, Aircel Company] and they have marked Ex.P9 call records of the first accused phone number between 10.02.2010 and 20.02.2010. In the cross-examination of PW-14, he has clearly stated that no call was made from 9965345454 ie., from the first accused mobile phone, to the deceased mobile phone number 9443129696 or the landline number and he further stated that as per the call register printout from the tower, there is no indication of any conference call being made to the deceased Anitha through A1's mobile and thus, this Court finds that the evidence of PW-1, PW-2, PW-4 that the deceased was subjected to torture and coercion of demand of Rs.50 lakhs on 17.02.2010 at 10.00 a.m., is found to be artificial and improbable, in view of the technical evidence of PW-14.

21. In this regard, it remains to be stated that PW-17, investigating officer, has also admitted that during his investigation, nothing has been revealed regarding the first accused contacting the deceased before 10.00 a.m on 17.02.2010 as found in the final report.

22. Thus, by a combined reading of the answer elucidated in the cross examination of PW-14 and PW-17, the independent official witnesses, the defence has probablised that there was no phone call either to the landline or to the cellphone of the deceased on 17.02.2010 either before 10.00 a.m or between 10 a.m to 12.00 p.m as projected by the prosecution. Consequently, it had caused serious dent in the theory of the prosecution case. The truth and veracity of the evidence of PW-1, PW-2, PW-4 regarding the alleged demand of Rs.50 lakhs over phone on 17.02.2010 whereby Anitha was coerced or induced/instigating her to commit suicide, does not appear to be probable natural. This Court finds that the evidence of PW-1, PW-2, and PW-4 are bristled with infirmity and suffers from embellishment amounting to material contradiction on material facts regarding the charge under Section 306 IPC.

23. The prosecution relied upon the material witnesses PW-1, PW-2 and PW-4 regarding demand of Rs.50 lakhs & car as dowry and consequently torture upon the victim. However, PW-15 Revenue Divisional Officer in her inquest report under Ex.P10 has expressed the view that it was not the case of dowry demand death. Furthermore, PW-2 also admitted in her cross-examination that he has not told anything about the dowry of demand made by the accused A1, A2 with PW-15 (Revenue Divisional Officer).

24. From the answer elucidated with the first investigating officer PW-16 with that of the cross

examination of PW-1 and PW-4 could go to demonstrate that the version of PW-1 and PW-4 regarding the alleged demand of Rs.50 lakhs and the car, cannot be considered, in view of the suggestive case that appears to be more probable and also taking into consideration the admitted position of the fact, as admitted by the PW-1 and PW-2, that the deceased Anitha underwent abscess removal surgery at the end of the spinal cord at Malar hospital during the month of August 2009 which was diagnosed as Excision Pilonidal Abscess and again she went to the very same hospital on 15.02.2010, without informing A1 and thereafter, she went to her mother place along with her mother and stay there on both days 15 and 16 of February 2010. Admittedly, during this period, PW-1 father was away in Bombay and on 17.02.2010 when her mother was away from the home, she had committed suicide by hanging. Thus, it is the suggestive case that it is the health worry that caused Anitha to commit suicide, which appears to be probablised. In the preceding paragraphs, for the reasons assigned therein, this Court has come to the conclusion that neither the act as spoken to by P.Ws.1, 2 and 4 or of such nature to induce or instigate the deceased Anitha to commit suicide. However, based upon the admission in the cross-examination about the suggestive case of the defence that the said Anitha was underwent treatment for the abscess at the end of her spinal cord in the year 2009 and 2010 and abscess removed at Malar Hospital and following which, she was suffering from pain at unbearable level. From the evidence of P.W.2 coupled with the document EX.P.10-inquest report recorded by P.W.15, wherein, the RDO has recorded the version of the accused at the earliest point of time namely, the very next day to the incident wherein, the accused have categorically stated that the deceased Anitha went to hospital on 15.02.2010 without informing the first accused/husband and she also underwent an emergent surgery on 15.02.2010 ie., two days prior to committing suicide lend credence to the theory of suggestive case of the defence and the same is found to be sufficient enough to disturb mental equilibrium of the women concerned.

25. In view of the material contradictions with the private prosecution witnesses and with that of the revenue and police witnesses. Hence, the finding rendered by the trial Court with regard to charge under Section 306 IPC is not inconsonance with the legal reasoning viz., for the evaluation of the prosecution witness both chief and cross examination has to be considered and the same should be free from infirmity or contradictions on material facts. For the reason stated supra, the conviction passed by the trial Court under Section 306 IPC is not sustainable in law and the same is set aside.

Section 498 A of IPC. A1 and A2 are the appellants herein. After solemnisation of marriage between A1 and the deceased Anitha on 21.08.2008, the amount of marriage stidhana given by PW-1 and PW-2 to A1 was admitted. However, it is the specific evidence of PW-1 and PW-2 that after some time A1 and A2 have insisted for purchase of a car and also demanded Rs.50 lakhs for the purpose of business and thereby subjected the deceased Anitha to cruelty, so, the charge under Section 498 A IPC.

27. PW-1 in the chief examination has admitted that neither in the complaint nor during the investigation by Revenue Divisional Officer, he has not whispered anything regarding the alleged demand of dowry, diamond ring, rado watch and Rs.50 lakhs and further he also stated that the first accused has demanded Rs.50 lakhs for the purpose to meet the loss in the business and not as a dowry demand in connection with the marriage. PW-2, the mother of the deceased, has deposed that the deceased daughter has conveyed to her that he is having illicit relationship with other girl and he has scolded and demanding Rs.50 lakhs to get from her mother's house failing which he will contract second marriage to other girl. However, in the cross-examination, she has categorically admitted that she has not whispered anything of the alleged storage of photos of the girl in the laptop by the accused with RDO and the investigating officer assumes significance. Both Revenue Divisional Officer and investigating officer have also stated that PW-2 has not whispered anything regarding photos of other girls being stored in the laptop, as projected by the prosecution witness PW-1 and PW-2 assumes significance. The other prosecution witnesses are staff and housemaid of the PW-1 are also fall under the category of hearsay. All that they could say is that PW-1 used to say that A1 (son-in-law) is demanding amount for the purpose of meeting the loss in the business. As contended by the learned counsel appearing for the appellant, the alleged Rs.50 lakhs is not in connection with any dowry demand or in connection with the marriage. It is only for the purpose of meeting the loss in the business which is subsequently occurred after the birth a child.

28. Let us consider the charge under Section 498 (A) of IPC against A.1 and A.2.

29. The prosecution has come out with definite case that after performance of marriage on 21.08.2008, while the first accused was doing business, under the guise of loss suffered in the business, A.1 has demanded a sum of Rs.50 Lakhs and A.2 and A.3 have also demanded the compliance of such payment of Rs.50 Lakhs to the first accused and thereby, they have committed the offence under Section 498(A) IPC. Initially, charge has

been framed against all the three accused. However, the trial Court, after trial, has acquitted A.3 and hence, the appeal is preferred by A.1 and A.2 only.

30. In the instant case, the prosecution, to prove the charge under Section 498(A) IPC, has relied upon the evidence of P.W.1. Though P.W.1 has stated about the allegation of demand of Rs.50 Lakhs during the chief examination, however, in the cross-examination, however, in the cross-examination, he has stated that neither in the complaint nor during the investigation by the Deputy Superintendent of Police, he has not whispered anything regarding demand of Diamond ring or Rado watch or Rs.25 Lakhs. He also answered in the affirmative that the said request of the first accused is due to business loss and he has admitted that only to meet the business loss, A.1 has demanded Rs.50 Lakhs from the deceased. P.W.2, mother of the deceased, in the cross-examination, has also admitted that there was a surgery to the deceased to remove the abscess at the end of the spinal cord and due to the advise of the Doctor, an emergent surgery was taken and therefore, it was not informed to the first accused and further, P.W.2 has admitted that on 15.02.2010 they went to hospital and came back. Thereafter, the deceased was found to be out of mood and dejected. The other prosecution witnesses are all hearsay and was found to be does not advance the case of the prosecution. The first Investigation Officer, who was examined as P.W.16, in the cross-examination has categorically stated that P.W.1 has not whispered anything regarding demand of money neither in the complaint nor during the investigation. The subsequent Investigation Officer, who was examined as P.W.17, has categorically admitted in the cross-examination that as per the final report, there is no demand of dowry and neither P.W.1 nor P.W.2 has stated that the first accused has retained the photographs of the girls in his Laptop as projected by them in the witness box.

31. Thus, this Court finds that the version of P.W.1 and P.W.2, the parents of the deceased that the deceased Anitha was subjected to cruelty on the ground of demand of Rs.50 Lakhs to meet the business loss suffered by the accused is found to be at material contradiction with the version of investigation Officers P.W.16 and P.W.17. Furthermore, even with regard to the alleged harassment that the first accused is having illicit relationship with other girls and keeping the photographs of them in his Laptop are also found to be at vital variation with the version of the Investigation Officers.

32. In the decision reported in A.I.R. 2002 SC 2078 [Girdhar Shankar Tawade V.State of Maharashtra], it is held that acquittal of a charge under Section 306,

though not by itself a ground for acquittal under S.498-A, but some cogent evidence is required to bring home the charge of S.498-A as well, without which the charge cannot be said to be maintained.

33. Thus, this Court takes into consideration the two allegations that are spelt by P.W.1 and P.W.2, in support of the charge under Section 498(A) IPC, during the time of the trial, it was found to be at vital variation with the version of the Investigation Officers P.W.16 and P.W.17 and in the preceding paragraphs, this Court has held that P.W.1 was away from the native place and was in Bombay in connection with business thereto From February 14, 15, 16 and 17 at the relevant point of time. It is alleged by the prosecution that both accused Nos.1 and 2 have pressurised the deceased to get Rs.50 Lakhs from her parents. Since P.W.1 is away for four days, admittedly, he has not having any knowledge about what is happening at Arani and further, the evidence of P.W.2 is found to be at material contradiction and therefore, this Court finds that there is lack of evidence to show that the conduct of the appellants was such nature likely to commit suicide by the deceased. None of the witnesses examined on the side of the prosecution have deposed to the effect that the act of the appellants whether of such nature as it was likely to cause grave injury to the life or limb of the wife of the first accused.

34. Of course, it is true that the evidence shows that the death of the Anitha is to be suicidal. But the mere fact that she committed suicide was not enough to convict the appellants under Section 498(A) IPC, unless the nexus between the suicide and the act of the appellants is established to pass the test of beyond reasonable doubt at least it should have been proved that there was an act of cruelty on the part of the appellants and such act was likely to drive the deceased to commit suicide.

35. But admittedly, in the instant case, till the death of Anitha, there was no whisper or no complaint by P.W.1 and P.W.2. It appears from the version of the prosecution that both the parties viz., the appellants as well as P.W.1 and P.W.2, (the parents of the deceased) are financially sound and rich and there was no complaint of any demand of such Rs.50 Lakhs either to the members of the family or to any of the close circle. Had there been any such demand of Rs.50 Lakhs as projected by the parents of the deceased, it could have been reflected in any one of the close circle and were convened for panchayat or as a matter of complaint. Since in the absence of any such complaint or allegation before the

death of the Anitha also causes very serious doubt as to the truth and veracity of the version of P.W.1 and P.W.2 and hence, the said contention raised by the learned counsel for the appellants warrants merit and also calls for interference in the findings rendered by the trial Court for the offence under Section 498(A) IPC and hence, this Court holds that in view of the material contradiction between the version of parents of the deceased with the Investigation Officer as discussed supra and also with regard to the illness suffered by the deceased which is grave in nature as spoken to by P.W.2, mother of the deceased and which has been discussed in detail in the preceding paragraphs, this Court is of the considered view that the evidence available on record are infirm and insufficient for the charge under Section 498 (A) IPC and hence, it is not safe to rely upon the evidence of P.W.1 and P.W.2 for the reasons stated above and therefore, the finding of the trial Court for the charge under Section 498(A) IPC is vacated. Consequently, the conviction under Section 498(A) IPC is set aside.

36. In the result, the conviction and sentence passed by the learned Assistant Sessions Judge (Sub Court), Arni, in S.C.No.22 of 2011 dated 07.04.2014 are hereby set aside and the Criminal Appeal is allowed and the accused Nos.1 and 2, who stand charged for the offences under Sections 498(A) and 306 IPC, are acquitted of the charges. The bail bond executed by the appellants/accused Nos.1 and 2 shall stand cancelled forthwith and the fine amount paid, if any, shall be refunded to them.

Sd/-

Assistant Registrar(CS v)

//True Copy//

Sub Assistant Registrar

Ari

To

1. The Assistant Sessions Judge (Sub Court)
Arni,
Tiruvannamalai District.

2. The Judicial Magistrate, Arni.

3. The Chief Judicial Magistrate, Thiruvannamalai.

4. The Superintendent central Prison, Vellore.

5. The Inspector of Police,
Arni Town Police Station,
Tiruvannamalai District.

6. The Public Prosecutor,
High Court, Madras.

Copy to
The section officer,
Criminal Section,
High court
Madras .

+1cc to Mr.R..JOHN SATHYAM , Advocate SR.No.61950

Cr1.A.No.203 o 2014

ASK(09/11/2018)



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