

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 25.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.A.No.493 of 2007

M. Jayanthi

... Appellant/Complainant

Versus

1. Rathinam
2. Alamelu
3. N.Rajagopal
4. Vasantha

.... Respondents/Accused No 4 to 7

Prayer : Criminal Appeal filed under Sections 378 of Criminal Procedure Code, against the order of acquittal dated 15.03.2007 made in C.C.No.181 of 1999 passed by the learned District Munsif-cum-Judicial Magistrate, Omalur.

For Appellant : No Appearance

For Respondents : Mr.P.R.Balasubramanian

J U D G M E N T

The complainant in C.C.No.181 of 1999 on the file of the District Munsif-cum-Judicial Magistrate, Omalur, is the appellant herein. The complaint was filed for punishing the accused for the offence committed under Section 494 read with 109 of IPC.

2. The case of the complainant is that the first accused-Marimuthu originally married the second accused Revathi. The marriage was conducted on 17.02.1993. Out of the wedlock, a male child was born. However, the said marriage was dissolved. Subsequently, the said Marimuthu married one Jayanthi. Thereafter, the first accused Marimuthu once again re-married the divorced Revathi on 24.04.1996 at 9.00 a.m at Bhavani Kooduthurai Temple. The other accused are said to have stood as witness for the marriage. Aggrieved by the act of the first accused-Marimuthu in re-marrying Revathi, the second wife Jayanthi filed the complaint.

3. In support of her case the complainant herself was examined as P.W.1 one witness Chandrakumar as P.W.2 and one

Saraswathi as P.W.3. The Court below, by a judgment dated 15.03.2007 found that the charges were established. But during the pendency of the Trial, the husband Marimuthu died. The case was found to have been proved beyond reasonable doubt against A2 and A11. They were found guilty of the offence under Section 494 read with 109 and sentenced to undergo one year imprisonment and also to pay a fine of Rs.1,000/- However, A4, A5, A6 and A7 were acquitted. Questioning the acquittal of the said accused, this appeal has been filed. There is no representation on the side of the respondents/acquitted accused.

4. Since, the learned counsel appearing for the appellant had filed a memo withdrawing his appearance from the Criminal Appeal, this Court went through the entire records and disposes of the appeal on merits.

5. The primary grievances of the complainant can only be against her husband. In this case, the husband has passed away. The second wife is actually fighting with the original wife of her husband. It is seen that the Court below found her (A2) guilty and also imposed sentence on her. She has not preferred any independent appeal. The appellant is personally concerned only with the acquittal given in respect of A4 to A7.

6. The Court below has given a specific finding that the respondents herein did not apply any part at all. The findings of the Courts below rest on proper reasoning. This is an appeal against the judgment of acquittal. Even according to the complainant, the event date back to more than 20 years. The judgment impugned in this appeal warrants no interference. Accordingly, this Criminal Appeal is dismissed.

Sd/-

Assistant Registrar (CS-V)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

lpp

1) The District Munsif-cum-Judicial Magistrate,
Omalur.

+2cc to Mr.P.R.Balasubramanian, Advocate SR.No.58215

Cr1.A.No.493 of 2007

AD (CO)

GMV (13/11/2018)