



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2018

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.(MD) No.22 of 2013

WEB COPY

Macmillan

... Petitioner/PW-1

Vs.

1.Sam Jeevanantham

2.Janakipushpam

3.Mohan

4.Vanaja

5.Shanthi ...Revision Respondents Accused Nos. 1 to 5

6.State represented by

the Deputy Superintendent of Police,
Valliyoor,

Crime No.23 of 2009

Thisaiyanvilai Police Station,
Tirunelveli District.

... Respondent/Complainant

PRAYER: The Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and to set aside the judgment passed by the Mahila Neethi Mandram (Mahila Court), Tirunelveli, Tirunelveli District in S.C.No.254 of 2010 dated 16.07.2012.

For Petitioner : Mrs.S.Ragaventhre

For R1 to R5 : Mr.K.Sudalaiyandi

For R6 : Mr.A.Robinson

Government Advocate (Crl.Side)

ORDER

This criminal revision petition is directed against the dismissal of the complaint filed by the revision petitioner against the respondents 1 to 5 alleging offences under Sections 304(B) and 498 (A) IPC.

2.The trial Court after examining 15 witnesses on the side of the prosecution and 14 exhibits besides 2 material objects, had held that the suicide of the victim lady is due to refusal of P.W1 to sell their land and arrange for a teacher job for her and there is



no evidence to prove that she committed suicide due to any harassment or demand of dowry.

3.The revision petitioner herein relied upon the deposition of Chidambaranathan, P.W13. The Deputy Superintendent of Police, Tirunelveli District, who investigated the case, has deposed that during his investigation, Aathi Nadar, Gunaseeli, Kani Nadar had given statement implicating the accused persons in the demand of additional dowry. However, the evidence of Aathi Nadar, P.W5, Gunaseeli, P.W6 and Kani Nadar, P.W7 does not support with the deposition of P.W13, the investigating officer.

4.When the witnesses who had already given previous statements before the investigating officer, were examined before the Court, they did not support their previous statements and contradicted the same. The previous statement recorded under Section 161 Cr.P.C., cannot be looked upon to convict the accused. Law of evidence is very clear that the previous statement to police is inadmissible and it can be used only for contradiction not for corroboration.

5.In these circumstances, this Court finds no reason to interfere with the finding of the trial Court. Hence, this criminal revision case is dismissed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Mahila Court,
Tirunelveli, Tirunelveli District.

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

• 1 CC TO Mr.K.Sudalaiyandi , ADVOCATE IN SR No. 84232.

MM

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Cr1.R.C.(MD) No.22 of 2013
14.09.2018