

Bail Slip

The Petitioner/Appellant Viz., Ponnusamy, S/o.Ramasamy Gounder, aged 43 years, was directed to be released on bail as per order dated 19/06/2014 made in M.P.No.1 of 2014 in CrI.A.331 of 2014.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2019

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Appeal No.331 of 2014

Ponnusamy

... Appellant/1st Accused

-Vs-

The State by
Inspector of Police,
Kamanaickanpalayam Police Station,
Tiruppur District.
(Crime No.10 of 2011)

... Respondent/Complainant

Criminal Appeal filed under Section 374(2) of the Code of Criminal Procedure, praying to set aside the conviction imposed in judgment dated 10.06.2014 made in S.C.No.232 of 2012 on the file of the learned Sessions Judge, Fast Track Mahila Court, Tiruppur.

For Appellant : Mr.N.Manokaran

For Respondent : Mr.T.Shanmuga Rajeswaran
Government Advocate (CrI.Side)

J U D G M E N T

This appeal has been filed to set aside the judgment dated 10.06.2014 made in S.C.No.232 of 2012 passed by the learned Sessions Judge, Fast Track Mahila Court, Tiruppur.

2. The case of the prosecution is that the deceased persons are the wife and the daughters of the appellant/first accused in this case. The first accused committed cruelties and ill-treatment upon the deceased persons by not allowing them to

visit the parents of the deceased Padmavathi. At the time of occurrence, when the deceased Padmavathi/wife of the first accused requested him to purchase jewels for their children, for which, he not only refused to do the same but also told her that he would not purchase jewels to the children, whereas he would give cash to his sister only i.e., the second accused in this case. Further, on the instigation of the second accused, the appellant/first accused scolded the deceased persons to leave the house and to go and die, if they are insisting upon for purchasing of jewels, thereby inducing the deceased persons to commit suicide by drowning into PAP canal. PW-1-brother of the deceased Padmavathi gave a complaint before the respondent police and a case in Crime No.10 of 2011 was registered for the offence under Section 306 IPC against the appellant herein and his sister/A2. After completing the investigation, the respondent police laid a charge sheet in PRC.No.27 of 2012 before the learned Judicial Magistrate, Palladam against the accused persons. After perusing the records, the learned Magistrate, came to the conclusion that the offence is triable by the Sessions Court and therefore, committed the case to the learned Principal District Judge, Tiruppur, who made over the case to the Assistant Sessions Judge, Tiruppur. On constitution of Mahila Court, Tiruppur, the case was transferred to the said Court for disposal.

3. In order to prove the case, the prosecution examined as many as 17 witnesses, marked 20 exhibits and 3 material objects. After completing the prosecution witnesses, the incriminating circumstances culled out from the prosecution witnesses were put before the accused, they denied as false. On the side of the defence no evidence was produced. After hearing the arguments on both sides and perusing the entire records, the learned Sessions Judge, Tiruppur, while acquitting the second accused on the ground that the prosecution has not proved the charge against her, convicted the appellant herein/A1 for the offence under Section 306 IPC and sentenced him to undergo 7 years of Rigorous Imprisonment and also to pay a fine of Rs.25,000/-, in default, to undergo further period of 6 months Simple Imprisonment by judgment dated 10.06.2014. There against, the first accused preferred the present appeal before this Court.

4. The main allegation is that from the date of marriage, the first accused did not permit the deceased Padmavathi/wife of the first accused to go to her parent's house.

5. The learned counsel appearing for the appellant would submit that the appellant has provided four wheeler to his wife and two wheeler to his children. The appellant provided good amenities to his family and there is no need of inducement. The marriage took place in the year 1992 and the deceased Padmavathi was living happily with the appellant/A1. There is no necessity

to the appellant to induce the victims to commit suicide. The learned trial Judge failed to consider the above aspects and on sympathy by the suicide committed by the deceased persons, convicted the appellant, which warrants interference.

6. The learned Government Advocate (Crl.Side) would submit that the appellant/A1 did not allow the victims to go to the house of the deceased Padmavathi. When the victims have asked the appellant/A1 to provide money for purchasing jewels, though he was having sufficient money, he refused to give to them and he told them that he would not give any money to them, whereas, he would give money to his sister and also induced the victims to commit suicide. Due to the ill-treatment caused by the appellant/A1, the victims committed suicide. The learned Sessions Judge rightly appreciated the entire records and convicted the appellant/A1, which does not warrant any interference.

7. Heard Mr.N.Manokaran, the learned counsel appearing for the appellant and Mr.T.Shanmuga Rajeswaran, the learned Government Advocate (Crl.Side) appearing for the respondent. Perused the entire materials available on record.

8. The case of the prosecution is that the marriage between the deceased Padmavathi and first accused was took place on June 1992. They had two daughters. From the date of marriage the appellant/A1 did not permit the deceased Padmavathi to go to her Parent's house. Hence, the deceased Padmavathi used to talk with her parents without the knowledge of the appellant/A1. Ten days prior to the date of occurrence, PW-2/father of the deceased Padmavathi met her and she told that when she asked the appellant/A1 to get jewels for their children, he replied that he would give money to his sister only and would get stud alone for their children and also he used filthy language against the deceased persons. On 02.01.2011 the victims are missing and at that time the appellant/A1 gave the complaint before the police that the deceased persons are found missing and searched them in the nearby localities. On 04.01.2011, the body of Menaka Bharathi was found in Ukayanur PAP canal, whereas, the other bodies of Padmavathi and Kavi Priya were found in Varapalaiyam canal.

9. From the evidence of PW-2, it is seen that the deceased Padmavathi was not going to her parental home after her marriage. The victims used to contact the parents of the deceased Padmavathi without the knowledge of the appellant/A1. Even the neighbours of the appellant/A1, who have stated the activity of the accused was strange. When he provided money to his sister to purchase jewels, he refused to give money to the victims. Though the learned counsel for the appellant submitted that the appellant/A1 provided a car & two wheeler to the

deceased persons and allowed them to drive the vehicles and he provided good amenities to his family, only he refused to give money to them for purchasing jewels. Admittedly, if any dispute arises between the husband and wife, no mother will kill her own children. On reading of the entire records, it is seen that all the three persons were committed suicide, at the time of occurrence all of them are residing with the appellant/A1 in the same house and the appellant/A1 has not given any valid and proper reason for the occurrence. Therefore, due to inducement of the appellant/A1, the victims have committed suicide. There is no material to show that A2 induced the victims to commit suicide. There is no direct or indirect evidence against the second accused and therefore, the trial Court rightly acquitted A2. On reading of the entire evidence and the judgment of the trial court, this Court comes to the conclusion that only due to inducement of the appellant/A1, the victims have committed suicide. This Court does not find any sound reason to interfere with the judgment of the trial Court and the appeal is liable to be dismissed.

10. Accordingly, this Criminal Appeal stands dismissed. The judgment dated 10.06.2014 made in S.C.No.232 of 2012 passed by the learned Sessions Judge, Fast Track Mahila Court, Tiruppur is hereby confirmed. The trial Court is directed to secure the custody of the appellant/accused to undergo the remaining period of sentence, if any.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KMI

To

- 1.The Sessions Judge,
Fast Track Mahila Court,
Tiruppur.
- 2.The Inspector of Police,
Kamanaickanpalayam Police Station,
Tiruppur District.
- 3.The Public Prosecutor,
High Court,
Madras -104.

4.The Judicial Magistrate,
Palladam.

5.The Chief Judicial Magistrate,
Tiruppur.

6.The Superintendent,
Central Prison, Coimbatore.

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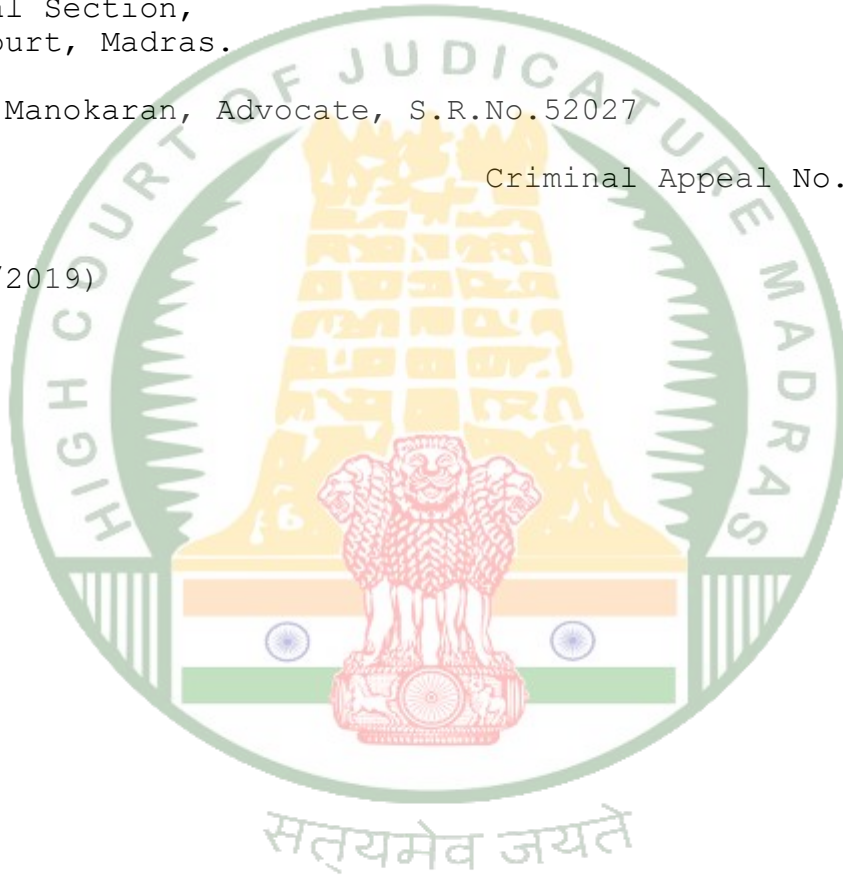
The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to N.Manokaran, Advocate, S.R.No.52027

Criminal Appeal No.331 of 2014

VG I(CO)

RRS (19/07/2019)



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