



Bail Slip

The Appellant/Sole Accused Sasi @ Sasihkumar was enlarged on bail as per the order of this Court dated 12.06.2012 in MP(MD) No.1/2012 in Crl.A(MD)No.78/2012.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD).No.78 of 2012

Sasi @ Sasih Kumar : Appellant / Single Accused

Vs.

The State Represented by
The Inspector of Police,
Thiruverumbur Police Station,
Trichy District.

(Crime No.293 of 2011)

: Respondent / Complainant

PRAYER : Criminal Appeal filed under Section 374 of Cr.P.C, to set aside the Judgment and Conviction passed in S.C.No.149 of 2011, dated 28.02.2012, by the learned Principal Sessions Judge, Trichy, Trichy District.

For Appellant : Mr.S.Ravi

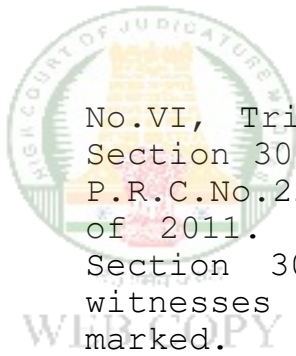
For Respondent : Mr.A.Robinson,

Government Advocate (Crl.Side)

JUDGMENT

The appellant was convicted for the offence under Section 304 (ii) of IPC and sentenced to undergo 10 years rigorous imprisonment and levied with fine of Rs.5,000/-, vide Judgment dated 28.02.2012 in S.C.No.149 of 2011, on the file of the learned Principal Sessions Judge, Trichy, Trichy District.

2.The case of the prosecution is that the appellant was married to one Dhanam @ Dhanalakshmi. The appellant developed suspicion over the character and fidelity of his wife. In this regard, quarrel arose between the two. On 30.04.2011 at about 8.00 p.m, in their matrimonial home at Thiruverumbur Burma Colony, the appellant hit and dashed the wife's head on the kitchen slab and also hit her violently. As a result, Dhanalakshmi died. In this regard, the neighbour/P.W.1 gave information before the Thiruverumbur Police Station and the same was registered in writing vide Ex.P.1 on 01.05.2011, during the early hours. Crime No.293 of 2011 (Ex.P.16) was registered and investigation was taken up and final report came to be filed before the learned Judicial Magistrate



No.VI, Trichirapalli, against the appellant for the offence under Section 302 of IPC. The case was committed to the Sessions Court in P.R.C.No.22 of 2011. The case was taken up for trial in S.C.No.149 of 2011. The appellant pleaded not guilty to the charge under Section 302 of IPC. The prosecution examined as many as 17 witnesses and marked Exs.P.1 to P.24. M.O.1 to M.O.11 were also marked.

3.P.W.1 to P.W.3 are residents of the very same locality. During the examination under Section 313 of Cr.P.C., the accused fairly stated that he was having a doubt regarding his wife's character and conduct and that he wanted to go back to her native place in Perugamani and since the wife Dhanalakshmi refused, a quarrel arose between the two, during which, she suffered injuries that led to her eventual death. Thus, the appellant had admitted that his wife suffered injuries only during his quarrel between the two. This Court, therefore, looked at Ex.P.8 post-mortem certificate to see the nature of injuries suffered by the said Dhanam @ Dhanalakshmi. It is seen that she suffered as many as six injuries, which are as follows:-

"Wounds:

1.A lacerated wound on the right temporal region of scalp 2cm x 1cm x muscle deep.

2.Bruising of front of aspect of thoracic wall-Dark red.

3.Fracture of both collar bones and 1st and 4th right side ribs with surrounding thoracic wall bruising-dark red. Thoracic cavity contains fluid blood.

4.Bruising of right tempero parietal left tempero parietal and occipital region of scalp-dark red.

5.Sub dural and sub arachnoid haemorrhage on both the cerebral and cerebellar hemisphere.

6.On bloodless dissection of neck.

Contusion of the soft tissues of neck, haemorrhagic spots in the mucous (Torn) of wind pipe and Oesophagus. Fracture of laryngeal cartilages present."

4.The appellant's wife suffered fracture of both the collar bones. Thus, the number of nature of injuries suffered by Dhanalakshmi clearly indicates that the appellant had vigorously hit his wife and that alone led to her death. The testimony of the eye-witnesses is more than corroborated by the stand taken by the appellant during his examination under Section 313 Cr.P.C and in the light of Ex.P.8 Post-mortem certificate. The Doctor, who conducted autopsy on the deceased, was examined as P.W.7.



5.The learned Trial Judge had rightly held that the prosecution had established beyond reasonable doubt the involvement of the appellant. Of course, the appellant did not have any prior intention to murder his wife. That is why, the appellant was rightly acquitted of the offence under Section 302 of IPC. In the face of unimpeachable evidence, the learned counsel appearing for the appellant rightly did not challenge the finding of guilt, but rather confined his prayer for modification and reduction of the sentence imposed on the appellant.

6.The Trial Court had imposed the sentence of 10 years rigorous imprisonment. It is seen that during the relevant time, the appellant was aged around 26 years. The occurrence had taken place in the fit of the moment. Even P.W.1 would corroborate the appellant's stand that there was a cloud on the character of the appellant's wife. The appellant only wanted his wife to go back to her native place. Since the wife refused to comply with, the entire occurrence had taken place. The appellant's mother is an aged widow and she is depending on the appellant. Taking note of intimidating circumstances, I deem it fit and appropriate to reduce the sentence of imprisonment from 10 years R.I. to 5 years R.I. The period of incarceration already undergone by him shall be set off in terms of Section 428 of Cr.P.C.

7.Accordingly, this Criminal Appeal is partly allowed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Principal Sessions Judge,
Trichy, Trichy District.
2. The Judicial Magistrate No.VI, Trichirapalli.
3. Do through the Chief Judicial Magistrate,
Trichy
4. The Superintendent,
Central Prison, Trichy



5. The Inspector of Police,
Thiruverumbur Police Station,
Trichy District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Record Keeper,
Criminal Record Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to Mr.S.RAVI, Advocate (SR-80035[F] dated 06/08/2019)

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02.08.2019

MK (29.01.2020) 4P 10C