



Bail Slip

The Appellant/Accused namely Suresh, S/o.Late Subramanian, was released on bail vide Court order dated 23.01.2012 made in MP(MD)No.1 of 2011 in Crl.A(MD)No.328 of 2011.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A.(MD)No.328 of 2011 and

M.P.(MD)No.1 of 2011

Suresh

... Appellant/1st Accused

Vs.

State represented by,
The Inspector of Police,
All Women Police Station,
Srirangam, Trichy - 6,
Trichy District.

... Respondent/Complainant

Prayer: Criminal Appeal is filed under Section 374(2) of Cr.P.C., to set aside the order made in S.C.No.60 of 2011 on the file of the Sessions Judge, Mahila Court, Trichy, dated 04.11.2011.

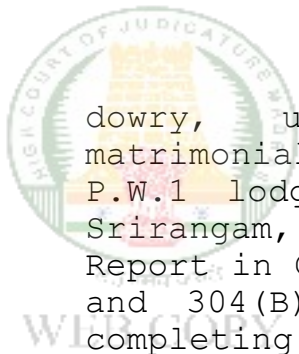
For Appellant : Mr.R.Sundar

For Respondent : Mr.A.Robinson,
Government Advocate (Crl. Side).

JUDGMENT

The appellant was convicted for the offences under Sections 498(A) and 304(B) of I.P.C. and sentenced to two years Rigorous Imprisonment and seven years Rigorous Imprisonment respectively and also levied with fine vide Judgment dated 04.11.2011 in S.C.No.60 of 2011 on the file of the Sessions Judge, Mahila Court, Tiruchirappalli.

2. The prosecution case is that the appellant got married to Ranjani on 11.03.2010 as per the Hindu Rites and Customs. P.W.1, the mother of Ranjani had complied with all the demands made by the accused. Thereafter, Ranjani and the appellant lived in a joint family. The accused demanded that Ranjani should bring additional dowry. He picked up quarrel with Ranjani often and also scolded her by using abusive expressions. Even when Ranjani came to her mother's home in connection with Aadi celebrations, the appellant is said to have demanded one sovereign of gold ring. Since the said demand could not be complied with, the appellant left Ranjani in the house of her mother itself. Since the accused harassed her even as late as on 15.09.2010 and 17.09.2010 for not bringing additional



dowry, unable to bear same, Ranjani committed suicide in her matrimonial home on 19.09.2010 at about 07.30 a.m. In this regard, P.W.1 lodged Ex.P.1 complaint before All Women police station, Srirangam, leading to registration of Ex.P.11 First Information Report in Crime No.53 of 2010 for the offences under Sections 498(A) and 304(B) of I.P.C. Investigation was taken up and after completing all the usual formalities, final report was laid before the Judicial Magistrate, Thiruchirappalli. Cognizance of the aforesaid offences was taken and the case was committed to the Sessions Court in P.R.C.No.6 of 2011. The case was made over to the Sessions Judge, Mahila Court, Thiruchirappalli, for trial in S.C.No.60 of 2011. Before the trial Court, the appellant was shown as the first accused. His mother Sethulakshmi was shown the second accused. His elder brother was shown as the third accused. Charges were framed against them for the aforesaid offences. The accused pleaded 'not guilty' and claimed to be tried. The prosecution examined 14 witnesses and marked Ex.P.1 to Ex.P.14. M.O.1 Chudidhar Shawl was marked by the prosecution. On the side of the accused, no evidence was adduced. The learned trial Judge after a detailed consideration of the evidence on record, acquitted accused Nos.2 and 3, but convicted and sentenced the appellant for the offences as mentioned above. Questioning the same, this appeal came to be filed.

3. Heard the learned counsel on either side.

4. The learned counsel appearing for the appellant reiterated the contentions set out in the appeal memorandum. He wanted this Court to reverse the impugned Judgment and acquit the appellant *in toto*.

5. Per contra the learned Government Advocate(Crl. Side) wanted this Court to dismiss this appeal, as the impugned Judgment does not warrant any interference.

6. I carefully considered the rival contentions and perused the evidence on record.

7. P.W.1 is the mother of the deceased. P.W.2 hails from the locality of P.W.1 and happens to be her neighbour. P.W.3 is the younger sister of the deceased. P.W.4, P.W.5 and P.W.6 are the close relatives of the deceased. P.W.7 and P.W.8 turned hostile. P.W.9 conducted inquest. P.W.10 is running a private hospital. He was called by the appellant to treat his wife. On 19.09.2010 at about 08.15 a.m., P.W.2 came to the house of the appellant and told the appellant that his wife was already dead. P.W.11 is the police constable who produced the body for postmortem. P.W.12 is the postmortem doctor. P.W.13 registered the First Information Report. P.W.14 conducted investigation and filed final report.



8. It is true that P.W.1 to P.W.6 have strongly supported the prosecution case. The question that arises for consideration is whether on the testimony of these six witnesses, the appellant could have been convicted for the offences with which he was charged.

9. It is not in doubt that the appellant's wife died within six months from the date of marriage. The question that arises is what could have led Ranjani to commit suicide. While the prosecution witnesses would claim that the infliction of cruelty in connection with the dowry demand was the sole cause for her committing suicide, the appellant would contend otherwise.

10. The learned counsel appearing for the appellant took me through the evidence of P.W.1. P.W.1 the mother of the deceased Ranjani admitted that her daughter short tempered. The appellant was working as a guide in Srirangam temple. He was not a well educated person. He was not having properties also. In fact he was not even having a regular income. They were residing in a congested residential locality. In fact they were residing only in a portion. To a pointed question posed in the cross examination, P.W.1 admitted that Ranjani was mentally upset that she was not given in marriage to a well-off husband.

11. During the marriage, on the groom's side, a "covering chain" was put. P.W.1 stated that they felt deeply insulted that a "covering chain" was put. Ranjani also felt rather humiliated. Ranjani expressed her grievance that she had been given in marriage to a family without any financial background. It was however admitted by P.W.1 that two months after the marriage, a gold chain was put by her in-laws. It was also admitted that Ranjani was not having any mobile phone on her own and that if P.W.1 wanted to speak to her daughter, she had to necessarily call the appellant over his mobile phone when he was at his house.

12. A reading of the testimony of P.W.1 would clearly indicate that the deceased Ranjani was deeply unhappy about the choice of the appellant as her husband. P.W.1 had fairly admitted this aspect of the matter, repeatedly in her cross examination. P.W.3, the younger sister of the deceased also categorically admitted that Ranjani did not want to get married to the appellant at all.

13. A cumulative reading of the evidence of the mother and the younger sister of the deceased is enough to come to the conclusion that Ranjani was not at all happy that she got married to the appellant and consequently fell into a depression and it was this that ultimately led her to commit suicide. It is not in dispute that Ranjani and the appellant lived in a joint family in a portion and it was a congested residential area. Therefore, it



examined some independent witnesses. In this case, the only independent witness, namely, P.W.7 also turned hostile.

14. What is significant is the answer given by the investigation officer in his cross examination with regard to the inquest report. The investigation officer admitted that even according to the inquest authority, there was no dowry demand. P.W.1 admits in her cross examination that two months after the marriage, the in-laws on their own had put a gold chain on Ranjani.

15. I find it difficult to believe that Ranjani would have been subjected to cruelty in connection with the dowry demands. The Court below had not at all appreciated the vital admissions made by the mother and the sister of the deceased. I have no doubt whatsoever in my mind that the deceased was not happy that she was given in marriage to the appellant. As already pointed out, the appellant was not educationally well qualified. He was not having properties. He was not earning decent income. He was eking out his livelihood by working as a guide in Srirangam temple. Therefore, the deceased did not want to continue her married life. She decided to take her life.

16. The impugned Judgment stands set aside. The Criminal appeal stands allowed, accordingly. The appellant is acquitted. The bail bond if any executed by the appellant shall stand cancelled. The fine amount, if any, paid by the appellant shall be refunded, forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Sessions Judge,
Mahila Court, Trichy.
2. The Judicial Magistrate III,
Trichy
3. The Assistant Commissioner of Police,
Srirangam



4. The Inspector of Police,
All Women Police Station,
Srirangam, Trichy - 6,
Trichy District.

5. The Superintendent,
Central Prison, Trichy

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

7. The Section Officer,
Criminal Section(2 copies),
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.R. SUNDAR, Advocate (SR-82344[F] dated 20/08/2019)

Crl.A.(MD)No.328 of 2011
19.08.2019

MK (20.02.2020) 5P 10C