



Bail Slip

Crl.A(MD)No.162/2013

The Appellant / Sole Accused namely Arichandran, Male, 31/13, Son of Mahalinga Thevar was directed to be enlarged on bail vide order of this Court dated 17.06.2013 made in MP(MD)No.2/2013 in CRL.A(MD)No.162/2013.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A. (MD)No.162 of 2013

Arichandran

... Appellant / Sole Accused

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Tuticorin, Tuticorin District.

... Respondent / Complainant

Prayer: Criminal Appeal filed under Section 374(2) of Cr.P.C, to call for the records relating to the judgment dated 13.12.2012 made in S.C.No.245 of 2011 passed by the learned I Additional District and Sessions Judge, Tuticorin, Tuticorin District and set aside the same.

For Appellant : Mr.R.J.Karthick

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

J U D G M E N T

The appellant was convicted for the offences under Sections 498(A) and 304(B) of I.P.C. vide judgment dated 13.12.2012 in S.C.No.245 of 2011, on the file of the learned I Additional District and Sessions Judge, Thoothukudi, and sentenced to undergo one year rigorous imprisonment and ten years rigorous imprisonment respectively.



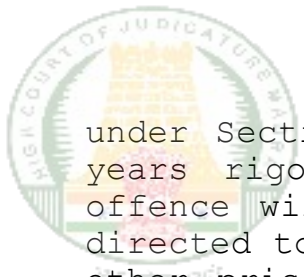
2.The case of the prosecution is that the appellant was married to the deceased/Murugeshwari in the year 2006. Two daughters were born. However, the appellant used to harass the deceased physically and mentally and also made unreasonable dowry demands on her. Unable to bear the harassment of the appellant, Murugeshwari committed self immolation on 16.05.2011 in the evening hours. She succumbed to injuries on 18.05.2011 at at 11.50 hours. In this regard, P.W.1, the mother of the deceased lodged Ex.P.1/complaint before the All Women Police Station, Tuticorin. Crime No.4 of 2011 was registered for the offences under Section 498 (A) of I.P.C. and Section 4 of Dowry Prohibition Act, on 17.05.2011. Following the demise of Murugeshwari, FIR was altered. Investigation was taken up and after examining all the relevant witnesses, final report came to be filed before the learned Judicial Magistrate No.I, Thoothukudi, for the offences under Sections 498(A) and 304(B) of I.P.C. Cognizance of the offence was taken and the case was committed to Sessions Court vide P.R.C.No.17 of 2011. The case was made over to the learned I Additional District and Sessions Judge, Thoothukudi in S.C.No.245 of 2011. The appellant pleaded not guilty to the charges and claimed to be tried.

3.The prosecution examined as many as 20 witnesses and marked Exs.1 to 19. M.O.1 to M.O.3 were also marked.

4.The learned Trial Judge found the appellant guilty of the offences with which he was charged and sentenced him as mentioned above. Questioning the same, this criminal appeal has been filed.

5.This Court must note that the mother of the victim was examined as P.W.1. In fact the victim herself gave a dying declaration, which was recorded as Ex.P.13. In her dying declaration, the deceased had clearly implicated the appellant herein. The learned counsel appearing for the appellant submitted that having regard to the evidence on record, he would not challenge the finding of guilt and that he would only plead for some reduction and certain directions to be issued in the matter of housing the appellant in a particular prison.

6.It is also seen that the appellant had spent about three years and seven months in prison. Therefore, taking note of all these aspects, the sentence of imprisonment imposed on the appellant for the offence under Section 304(B) of I.P.C. is reduced from ten years rigorous imprisonment to seven years rigorous imprisonment. The appellant makes a further request that he may be imprisoned in Singanallur prison. It is stated that in the special prison, there is a provision of hard labour and that will count for computing the number of year of imprisonment. I find the said request to be reasonable. Therefore, this Court sustains the conviction imposed on the appellant for the offences under Sections 304(B) of I.P.C. and 498(A) of I.P.C but reduces the term of imprisonment for the offence



under Section 304(B) from ten years rigorous imprisonment to seven years rigorous imprisonment. The sentences imposed for both the offence will run concurrently. The Inspector General of prison is directed to house the appellant in Singanallur special prison or any other prison, where there is hard labour. With this modification, the criminal appeal is partly allowed. The bail bond, if any, executed by him shall stand cancelled.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

- 1.The I Additional District and Sessions Judge,
Thoothukudi.
- 2.The Principal District and Sessions Judge, Tuticorin.
- 3.The Judicial Magistrate No.I, Tuticorin.
- 4.The Chief Judicial Magistrate, Tuticorin.
- 5.The Superintendant, Central Prison, Palayamkottai.
- 6.The Inspector of Police,
All Women Police Station,
Tuticorin, Tuticorin District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
8. The Inspector General of Prisons, Chennai.

Copy to:

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

+2 CC to M/s.R.J.KARTHICK, Advocate SR-81016 & 81136.

Crl.A.(MD)No.162 of 2013

08.08.2019

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