



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD)No.94 of 2013

WEB COPY

K.Suguna

... Appellant

Vs

1.State rep. by the Inspector of Police,
All Women Police Station,
Thiruvaiyaru,
Thanjavur District.
(Cr.No.2/2010)

2.Senthil
3.Dhanabal
4.Kalarani
5.Nithya

... Respondents

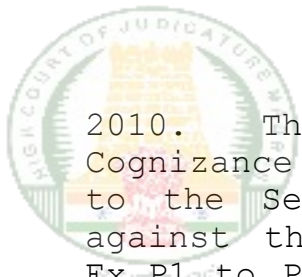
PRAYER: Criminal Appeal is filed under Section 372 of Cr.P.C., to call for the records of the First Additional Sessions Judge (PCR Court), Thanjavur in S.C.No.135 of 2011 and set aside the Judgment of Acquittal dated 07.12.2012 and convict the respondents 2 and 5 herein.

For Appellant : Mr.M.Karunanithi
For R1 : Mrs.S.Bharathi
Government Advocate (Crl.side)
For R2 to R5 : Mr.G.Karnan

JUDGMENT

The respondents 2 to 5 herein faced prosecution in Special S.C.No.135 of 2011 on the file of the First Additional District and Sessions Judge (PCR), Thanjavur for the offences under Sections 417, 376 and 420 of IPC and Section 4 of the Dowry Prohibition Act. By Judgment dated, 07.12.2012, they were acquitted. Questioning the same, this appeal has been preferred by the Defacto Complainant/P.W.1.

2.The case of the prosecution is that the first accused Senthil was in love with the defacto complainant for over three years and had forcible sexual relationship with her on 01.01.2007 after promising to marry her. When the defacto complainant called upon the first accused to marry her in the year 2009, he declined. The other accused namely A2 to A4 insisted that unless the defacto complainant is able to comply with their demands, they would not permit A1 to marry the defacto complainant. In this regard, the defacto complainant lodged information before the All Women Police Station, Thiruvaiyaru, leading to registration of Crime No.2 of



2010. The matter was investigated and final report was laid. Cognizance of the offence was also taken and the case was committed to the Sessions Court. The accused denied the charges framed against them. The prosecution examined 11 witnesses and marked Ex.P1 to P6. M.O.1 was also marked. On the side of the accused, D.W.1-Head Constable was examined. The learned trial Judge, by the impugned Judgment, acquitted the accused. Challenging the acquittal, the defacto complainant filed this appeal.

3.The learned counsel appearing for the appellant reiterated the contentions set out in the appeal memorandum and wanted this Court to reverse the impugned Judgment.

4.Per contra, the learned counsel appearing for the accused submitted that the impugned Judgment does not call for any interference.

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

6.It is seen that the occurrence had taken place on 01.01.2007. But then, the complaint was lodged only in the year 2010. There is a delay of three years. It is seen that in the mean while, A4 Nathiya-Sister of A1, had lodged assault case against the defacto complainant. The Court below, came to the conclusion that the the present case is only a counter blast to the complaint lodged by A4-Nathiya against the defacto complainant.

7.I am of the view that the Court below had given strong and convincing reasons for acquitting A1 to A4/R2 to R5 herein. It does not call for any interference. The impugned Judgment of acquittal is a well considered one. There is no merit in this appeal. This criminal appeal stands dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The 1st Additional Sessions Judge (PCR Court)Thanjavur.

2. The Inspector of Police,All Women Police Station,
Thiruvaiyaru,Thanjavur District.

+1 CC to M/s.G. KARNAN, Advocate (SR-83382[F] dated 26/08/2019)

Crl.A(MD)No.94 of 2013

21.08.2019

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