

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.03.2020

PRONOUNCED ON : 08.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Crl.A.Nos.136 & 171 of 2013

Crl.A.No.136 of 2013

Lakshmi

...
Vs.

Appellant/2nd Accused

State represented by

The Assistant Commissioner of Police,

M.K.B.Nagar Range, Chennai – 39. ...

Respondent /Complainant

Crl.A.No.171 of 2013

Suresh Babu

...
Vs.

Appellant/1st Accused

State represented by

The Assistant Commissioner of Police,

M.K.B.Nagar Range, Chennai – 39. ...

Respondent /Complainant

Common Prayer:- This Criminal Appeals have been filed under Section 374 Cr.P.C against the judgment dated 30.01.2013 passed in S.C.No.3 of 2011 on the file of the Mahila Court, Chennai.

For Appellant
in both appeals

: Mr.R.Narendran

For Respondent
in both appeals

: Mr.R.Ravichandran (Crl.side)
Government Advocate

COMMON JUDGMENT

The Sessions Judge, Mahila Court, by judgment dated 30.01.2013 in S.C.No.3 of 2011 has convicted the appellants/accused Nos.1 & 2 under Section 498-A IPC and sentenced them to undergo Rigorous imprisonment for three years each and to pay a fine of Rs.5,000/- each in default to undergo simple imprisonment for three months and further convicted the appellant / accused No.1 under Section 306 IPC and sentenced him to undergo Rigorous imprisonment for ten years and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for six months and the sentences of imprisonment imposed on A1 has been directed to run concurrently and acquitted the appellant/A1 of the offence under Section 304-B IPC, acquitted the appellant/A2 of the offences under Section 304-B and 306 IPC and also acquitted A3 Albert of the offence under Section 304-B r/w 34 IPC and impugning the conviction and sentence imposed on them, the appellants/A1 & A2 have preferred the abovesaid appeals.

2.Shorn of unnecessary details, the case of the prosecution is that the deceased Mariammal and the first accused got married on 04.06.2009 and the

parents of the deceased presented 10 sovereigns of gold and other seer articles at the time of marriage and the first accused was in the habit of consuming liquor and also used to quarrel with the deceased Mariammal and therefore, the deceased Mariammal, without the knowledge of the first accused, mixed medicine in the food with a view to stop his habit of drinking and when the same had come to the knowledge of the first accused through his friend viz., Albert (A3), the first accused picked up quarrels and fought with the deceased Mariammal and further also demanded to pay a sum of Rs.1,00,000/- for purchasing a vehicle, however, the deceased Mariammal's parents had assured to give Rs.50,000/- and accordingly, handed over a sum of Rs.50,000/- during February, 2010. However, the appellants/A1 & A2 had been insisting the deceased Mariammal to pay the remaining sum of Rs.50,000/- and also they were abusing the deceased Mariammal without sending her to her parent's house, persisted in the payment of Rs.50,000/- and also abused her by stating that she could not live with A1 and that she should die and unable to bear the ill-treatment and harassment caused to her, the deceased Mariammal fed up with life, poured Kerosene on her body and set herself on fire on 20.04.2010 and though she was rushed to the hospital, she succumbed to the injuries on the same day at 19.15 hours and inasmuch as the deceased Mariammal had died in

unnatural circumstances within 7 years of the date of marriage and as the third accused had also joined with the accused and ill-treating and harassing the deceased Mariammal in bringing the sum of Rs.50,000/- and also abused her to go and die, so that, they can drink peacefully, in all, it is put forth that the accused Nos.1 to 3 had committed the offences put forth against them.

3.In support of the prosecution case, PWs1 to 15 were examined and Exs.P1 to P15 were marked and Mos.1 to 3 were marked. On the conclusion of the prosecution evidence, the accused were examined with reference to the incriminating evidence tendered against them by the prosecution witness and the accused had denied the same. According to the accused, the case had been falsely foisted against them. On the side of the accused, no oral and documentary evidence has been marked and no Mo has been marked.

4.The criminal action in the matter has been set in motion on the basis of the complaint lodged by the deceased brother Saravanan examined as PW1 and the complaint lodged by him on 20.04.2010 has been marked as Ex.P1. The genesis of the complaint Ex.P1 is being seriously challenged by the accused. According to the accused, Ex.P1 is not the first complaint lodged in connection

with the abovesaid incident and according to them, the earlier compliant lodged by the deceased Mariammal herself had been suppressed by the prosecution and subsequently, according to them, Ex.P1 complaint has been concocted by the prosecution to suit their case. Based on Ex.P1, the FIR has come to be registered by the police and the printed FIR has been marked as Ex.P13. The medical Officer examined as PW13 viz., Dr.A.K.Mehajabeen during the course of his chief examination itself has admitted that while he was on duty on 20.04.2010 at about 10.40 a.m., the deceased Mariammal was admitted in the hospital by her sister-in-law Revathi with burn injuries and on questioning, while examination, he has deposed that the deceased Mariammal was conscious and answered all the questions rightly and further, stated that she had committed suicide at 9.30 a.m. on the same day by dousing kerosene on her body and setting fire to herself and she has not stated any reason for doing so. Therefore, it is found that the deceased Mariammal, on being admitted in the hospital at the first instance, did not implicate any one for sustaining burn injuries and on the other hand, would only apprise the doctor PW13 that she herself poured kerosene on her body and set fire to herself with a view to commit suicide. The said fact has also been reiterated by PW13 during the course of cross examination and during the course of cross

examination also, he has asserted that the deceased was conscious and when he examined her, she had conversed clearly and did not assign any reason for the injuries sustained by her. Therefore, as rightly put forth by the accused counsel, if really the deceased Mariammal had decided to end her life by committing suicide due to the ill-treatment and harassment said to have been caused by the accused in demanding her to bring a sum of Rs.50,000/- from her parents, on being admitted in the hospital particularly, when the deceased Mariammal was duly conscious at the time of admission as spoken to by PW13, definitely in the normal course, she would have apprised the doctor that she had chosen to end her life only on account of the ill-treatment and harassment caused to her by the accused qua the demand of dowry amount. However, no such version has been given by the deceased and on the other hand, she has only stated that she had herself committed suicide by pouring kerosene on her body and setting herself ablaze.

5. According to the prosecution, on the receipt of the intimation from the hospital, the police went to the hospital and at that point of time, the deceased Mariammal was unconscious due to burn injuries, hence it is put forth that the police had recorded the complaint (Ex.P1) lodged by her brother Saravanan PW1 and based on the same, according to the police, the FIR had come to be

registered under Section 309 IPC marked as Ex.P13.

6.PW14 is the Inspector of Police, who had recorded the complaint of PW1 and registered the FIR and he, during the course of cross examination, would state that on receipt of the intimation from the hospital, he went to the hospital at 9.00 a.m. on 20.04.2010 and admitted that he had not obtained any certificate from the duty doctor that the deceased Mariammal was unconscious, when he visited the hospital and also not produced any certificate pointing to the same in the Court. Furthermore, he has also admitted that he has not disclosed in the chief examination as to when, at what time, he had received the intimation from the hospital and also not disclosed the time in the complaint as well as in the FIR. Therefore, it is found that the police had suppressed the time at which they had received the intimation from the hospital regarding the admission of the deceased Mariammal with the burn injuries. If really, according to PW14, the deceased was unconscious, when he went to the hospital, as rightly put forth, as a prudent person, he should have endeavoured to examine the duty doctor with reference to the same and also obtained the necessary certificate from the duty doctor to evidence that on account of her unconsciousness, he was unable to record the statement from the deceased and

therefore, proceeded to take the statement from her brother PW1. With reference to the abovesaid factors, no proper explanation is forthcoming on the side of the prosecution.

7. According to PW1, the brother of the deceased Mariammal, on hearing the abovesaid incident, he and others immediately took the deceased to KMC Hospital in an auto and the deceased mother Angamma examined as PW2 during the course of cross examination has clearly admitted that her daughter set fire to herself on 20.04.2010 and she heard about the incident and she went to the hospital and her daughter was conscious in the hospital till 6.00 p.m. and was talking clearly and also testified that in connection with the incident, she does not know, who had given the complaint to the police and the police examined her and she did not give any statement to them and only her daughter viz., the deceased Mariammal gave the statement and the police examined her daughter in the hospital and she had also apprised the incident to the police. Therefore, as rightly pointed out by the accused counsel, when PW2 has clearly testified that her daughter Mariammal was conscious till 6.00 p.m. and she was talking well and she had not given any statement to the police and only her daughter had given the statement to the police and the police examined her daughter in the hospital and as pointed out, when the duty doctor, who had

examined the deceased Mariammal at the time of admission viz., PW13, has clearly testified that the deceased Mariammal was conscious and answering all the questions rightly and also apprised that she had herself committed suicide by pouring kerosene and setting fire to herself and when there is no material to safely conclude that the deceased Mariammal was unconscious, when PW14 reached the hospital and as pointed out, when PW14 has not endeavoured to obtain any statement from the duty doctor that the deceased Mariammal was unconscious at the time when he reached the hospital and also not obtained any certificate pointing to the same from the duty doctor and on the other hand, when the deceased Mariammal's mother Angamma (PW2) had clearly deposed that the police had examined her daughter in the hospital and it is only her daughter, the deceased Mariammal, who had given the statement to the police, all put together would lead to the conclusion that, as rightly put forth by the accused, Ex.P1 would not be the first complaint with reference to the incident and on the other hand, the first complaint with reference to the incident had been lodged by the deceased Mariammal herself. However, for the reason best known to the police, the same had been suppressed and on the other hand, only the complaint lodged by her brother PW1 had been projected in the matter. In this connection, the I.O PW15 has stated that he had not examined the doctor,

who had given treatment to the deceased Mariammal and with reference to the statement given by PW14 that the deceased Mariammal was unconscious at the time when he reached the hospital, he had not endeavoured to examine the duty doctor, who had given treatment to the deceased Mariammal. Therefore, it is found that the I.O had not endeavoured to detect and conclude that the deceased Mariammal was unconscious when the police reached the hospital. In such circumstances, as rightly contended by the accused counsel, all is not well with the complaint lodged in the matter marked as Ex.P1. Be that as it may PW14 Renganathan, who had recorded the complaint from PW1 marked as Ex.P1 during the course of cross examination has testified that when he examined the deceased brother Saravanan, he had not stated anything about the ill-treatment and harassment caused by the second accused by demanding dowry and also admitted that he has not stated anything that the first accused also harassed and ill-treated the deceased Mariammal by demanding dowry and according to him, PW1 has only stated that the first accused on coming to know that the deceased Mariammal had mixed medicine in the food with a view to stop it drinking habit got wild and angry. Similar is the evidence of the I.O PW15 and PW15 has also admitted that in the complaint, nothing has been whispered about the dowry harassment. Further, on a reading of the complaint

Ex.P1, as rightly put forth by the accused, nothing has been mentioned therein about any dowry demand on the part of the accused and on the other hand, the only allegation put forth in the complaint is that the appellant /first accused used to drink and quarrel with the deceased Mariammal and as the deceased Mariammal mixed medicine in the food and gave it to him with a view to stopping his drinking habit and when the same had come to his knowledge, at the instigation of his friend A3, left home and drank and quarrelled with her by pointing out and saying that because of the deceased Mariammal acts, he was unable to drink and therefore, abused her and chided her to die and only then he would drink peacefully and on that score, the deceased poured kerosene on her body and set herself to fire. This is the version of PW1 as put forth in the complaint Ex.P1 and therefore, when there is nothing mentioned in Ex.P1 complaint that the accused particularly A1 & A2 had demanded further sum of Rs.50,000/- from the deceased for the purchase of vehicle and on that score, ill-treated and harassed her and on the other hand, when it is found that the complaint reads only that on account of the drinking habit of the first accused, there had been some fights and quarrels between the deceased Mariammal and the first accused and as the deceased Mariammal endeavoured to stop his habit of drinking by mixing medicine in the food and on coming to know of the

same, as the first accused picked up quarrel with the deceased and abused her, in such circumstances, it is found that the deceased had chosen to commit suicide. Therefore, other than the quarrel which prevailed between the deceased and the first accused following his drinking habits, nothing has been mentioned in the complaint that the deceased had been put to torture and cruelty by the accused by demanding dowry as sought to be projected by the prosecution, in particular, nothing has been mentioned that the accused had been demanding the deceased Mariammal to pay a sum of Rs.1,00,000/- for the purchase of vehicle and on that score, caused her cruelty and ill-treatment. Therefore, as rightly pointed out by the accused counsel, when the genesis of the prosecution case viz.Ex.P1 does not point out to any dowry demand on the part of the accused as well as the torture and ill-treatment said to have been caused to the deceased Mariammal on that score, a serious doubt arises in the veracity of the prosecution case and therefore, when as above pointed out, the complaint said to have been received from Mariammal had been suppressed by the prosecution and when Mariammal is also found to have not implicated the accused in the incident, when she was examined by PW13 and on the other hand, would only state that she herself poured kerosene on her body to commit suicide, therefore, the case of the dowry demand projected by the prosecution

on the part of the accused and the further case that the accused had been ill-treating and causing cruelty on the deceased Mariammal by demanding dowry amount falls to the ground and cannot at all be believed and accepted in any manner. Accordingly, it is also found that the trial Court had also not convicted any one of the accused under Section 304-B IPC and acquitted them of the aforesaid offence.

8.To sustain the conviction of the accused 1 and 2 under Section 498-A IPC and the conviction of the first accused under Section 306 IPC, the trial Court seems to have mainly placed reliance upon the statement of PWs1, 2, 4 & 6. As could be seen from the materials projected in the matter, it is only PW3 Vimala, who had first come to know about the incident and it is only she, who had apprised the incident to the family of the deceased. PW3 during the course of her evidence in the chief examination has testified that there used to be frequent fights between the first accused and the deceased Mariammal and the first accused used to pick up quarrel with the deceased by demanding Rs.1,00,000/- for purchasing auto. However, during the course of cross examination, she has admitted that neither the deceased Mariammal nor her husband or her mother-in-law had complained to her and they were having cordial relationship and A2 used to leave the house in the early morning for

work and also used to go work all the Sundays and the deceased has not complained anything about A2 to her and on seeing Mariammal with burn injuries, she also noted the presence of the first accused and also directed the first accused to stop the fire, however, the first accused was in a drunken mood and when he attempted to bring water, he fell down and also directed her to bring auto to take his wife to the hospital and on dousing fire, when she questioned the deceased Mariammal, the deceased Mariammal did not say anything and at the time of the incident, A2 was not present and further stated that the deceased Mariammal and A2 were behaving like daughter and mother in a cordial manner and the deceased Mariammal had not complained to her about any dowry demand on the part of her husband and mother-in-law. Therefore, when PW3 Vimala, the owner of the house, where the deceased Mariammal was residing and who is the first person to see the incident, when she is residing in the same building, accordingly she would have been in the know of things about the relationship between the deceased Mariammal and the accused, and when she has clearly testified that there was no complaint made by the deceased Mariammal against her husband and mother-in-law about any dowry demand other than the quarrels which A1 used to pick up with the deceased Mariamal and furthermore, when the deceased and A2 were

behaving very cordially and when the deceased Mariammal had also not stated as to why she had committed suicide to PW3, it is found that inasmuch as there has been no dowry demand and consequent harassment and torture on the part of the accused to the deceased Mariammal, the deceased Mariammal had not disclosed anything about the same to PW3 when she had the chance to narrate about the incident at the first instance.

9. Similar is the evidence of PW5 Bhavani, who is a nearby resident. PW5 Bhavani during the course of chief examination has deposed that the first accused was in the habit of drinking and the deceased Mariammal mixed medicine in his food with a view to stop his drinking habit and during the course of cross examination, she has stated that she and the deceased Mariammal were closely moving with each other as friends and the deceased Mariammal had not disclosed to her complaining about her husband and her mother-in-law in any manner, particularly, about any cruelty inflicted upon her by them and Mariammal and her husband were behaving very cordially and though they were some frequent quarrels, they used to become normal and there is nothing serious about their quarrels and A2 used to be very affable to the deceased Mariammal and at the time of the incident, the first accused was available and he fell down. Therefore, PW5 has not disclosed anything about

the harassment and torture said to have been caused to the deceased Mariammal on the part of the accused by demanding dowry. As rightly contended by the accused counsel, PW5, being a nearby resident, would be in the know of things about the life of the deceased Mariammal and accordingly, when she and the deceased Mariammal had been closely moving with each other, if really, any problem had been experienced by the deceased Mariammal from her husband and mother-in-law, she would have complained about the same to PW5, on the other hand, PW5 has testified that Mariammal had not disclosed anything about the torture and ill-treatment said to have been caused by the accused and she would only state that they were moving with each other cordially and there was no serious problem between them.

10. However, the trial Court seems to have relied upon the evidence of the deceased relatives and particularly, by relying upon their version that the deceased Mariammal had complained about her husband, while she was taken to the hospital. However, the abovesaid approach, as such, cannot be accepted. As above pointed out, in Ex.P1, PW1 has only asserted that when Mariammal was taken to the hospital, she had only complained that as she mixed medicine in the food, her husband picked up quarrel with her and abused her by stating that because of her acts, he was unable to consume liquor and asked her to go

and die. This is all according to PW1, the deceased Mariammal had stated to him while taking her to the hospital. However, quite inconsistent to the abovesaid version, PW1 Saravanan during the course of cross examination has deposed that while he and others took Mariammal to the hospital in an Auto, Mariammal was unconscious. Therefore, it is also highly doubtful whether Mariammal would have given such a statement to PW1 as narrated by him in the complaint Ex.P1. PW2 Angamma the mother of the deceased Mariammal has also admitted during the course of cross examination that after the marriage, her daughter and A1 used to come to the house often and her daughter and A1 were having cordial relationship and they were moving closely with each other and further stated that there is no practice of providing dowry in her house and as above pointed out, according to PW2, Mariammal was conscious till 6.00 p.m. on the date of the incident and that she was examined by the police, therefore, when as per the version of PW2 the mother, the relationship between Mariammal and A1 was cordial and normal and they used to visit PW2's house often and when P.W.2 has asserted that there is no habit of giving dowry in her house to say that the accused had demanded dowry from the deceased Mariammal and thereby, caused her cruelty, as such, cannot be believed and accepted.

11. PW4, Gowri, the sister-in-law of the deceased Mariammal has also admitted during the course of cross examination that the deceased Mariammal and her husband were living cordially for some time and according to her, when the deceased Mariammal was taken to the hospital, she was conscious and on being questioned, she had informed that her life became spoiled due to the accused. As per PW1, the deceased Mariammal was unconscious while taken to the hospital. Hence, PW4 version that Mariammal had complained about the accused enroute to the hospital, as such, cannot be believed and accepted. If that be so, PW1 would have averred about the same in the complaint Ex.P1. On the other hand, PW1 has not whispered in Ex.P1, that Mariammal had complained about the accused and on that score, she had committed suicide. Similarly, PW6 Revathy, the sister-in-law of the deceased Mariammal would also claim that the deceased Mariammal, while proceeding to the hospital, has complained that her husband had tortured by listening to the words of A3 Albert. However, as above pointed out, her abovesaid version cannot be readily accepted, particularly, considering the evidence of PW1 Saravanan and the complaint lodged by him marked as Ex.P1. PW7, the brother of the deceased Mariammal would state that it is he, who had given

Rs.50,000/- to the accused for purchasing the vehicle. When he has admitted during the course of cross examination that the deceased Mariammal was not sent during Adi month on account of the money dispute and they had also not visited the deceased Mariammal thereafter and furthermore, when PW1 Saravanan has also admitted during the course of cross examination that on account of their inability to pay Rs.50,000/- to the deceased Mariammal, he has not met them and he had subsequently visited the deceased Mariammal only on the date of the incident, therefore, it is found that there has been no smooth relationship with the deceased Mariammal and her family members on account of money dispute and accordingly, when her brothers had not visited Mariammal over a period of time, the claim of the sister-in-laws of the deceased viz., PWs 4 and 6 that Mariammal had complained about the accused qua the demand of dowry amount, as such, cannot be believed and readily accepted. As above pointed out, if there had been any serious problem between the deceased Mariammal and the accused, the same would have been known to the house owner PW3 and the nearby resident PW5 and when PW3&5 have clearly spoken about the cordial relationship between the deceased and the accused and when the evidence of the deceased relatives is found to be not reliable, convincing and trustworthy and when from the

conduct of the deceased herself as above pointed out, when she has disclosed that the accused were responsible for committing suicide, particularly, when she has not disclosed the same to PW3, who had first seen her after the incident and also not disclosed the same to the medical officer, who had admitted her in the hospital and as above pointed out, when the prosecution has suppressed the complaint lodged by the deceased Mariammal regarding the incident, therefore, to say that the deceased Mariammal was subjected to torture, ill-treatment and cruelty by the accused by demanding a sum of Rs.50,000/-, as such, cannot be rightly countenanced. The claim of the deceased relatives that they had paid Rs.50,000/- at the first instance has also not been established by reliable evidence other than their oral assertion.

12. Though the RDO PW11 Chokkan in his report would state that the deceased had been subjected to dowry harassment, however, when there is no material pointing to the same, as above discussed and when the trial Court has also held that the deceased had not died due to dowry harassment and furthermore, when PW11 has only recorded the statement of the deceased mother and when PW11 had not endeavoured to examine the owner of the house, where the deceased Mariammal was residing and the nearby residents and further, having admitted that the statement had been offered to him

contrary to the version given in the complaint and when as above pointed out, PW2 the deceased mother had clearly deposed that the relationship between the deceased and her husband was cordial and smooth and they used to come their house often and there is no habit of providing dowry in her house, all put together would only lead to the conclusion that there is no torture, ill-treatment made out to the deceased by the accused by demanding dowry as put forth by the prosecution. On the other hand, other than the frequent quarrels between the deceased and the first accused over the drinking habit of the first accused and particularly, when the deceased had endeavoured to stop his drinking habit one way or the other and when it had come to the knowledge of the first accused, he being enraged over the same, picked up quarrel with the deceased and in a mood of anger had abused her, it is found that the deceased had chosen to end her life. However, the said abuse said to have been caused by the first accused cannot be construed as the instigation made to the deceased to commit suicide, particularly, when there had been frequent quarrels between the deceased and the first accused over his drinking habit, therefore, to say that the first accused by abusing the deceased Mariammal had abetted the commission of her suicide, as such, cannot be readily accepted. If that be so, the deceased would have complained about the same to PW3 and the medical

officer, who had first seen her after the incident and on the other hand, when nothing has been complained about the first accused by the deceased to them and when the version of her relatives as above discussed does not inspire confidence that all is not well with the deceased and her husband and on the other hand, when it is found that the deceased and her husband were having cordial and smooth relationship as spoken to by the deceased mother herself, therefore, the determination of the trial Court that the deceased had chosen to end her life on account of the acts of the first accused and that it is the first accused, who had abetted the commission of her suicide, as such, cannot be countenanced. When there is no inflictment of cruelty, torture and harassment of the deceased by the first accused other than the quarrels which he used to have by consuming liquor and the fact that the first accused was in the habit of drinking is not a new addiction and on the other hand, the same had been a regular feature and despite the same, the deceased Mariammal was leading a cordial life with him one way or the other, therefore, to say that she had suddenly decided to end her life on account of the abuse or the alleged ill-treatment said to have been caused by the first accused, as such, cannot be accepted and therefore, in all, the first accused cannot be held to have instigated or abetted the commission of suicide as held by the trial Court.

13. In the light of the abovesaid discussions, the prosecution having failed to establish the charge levelled against A1 & A2 under Section 498-A and the accused A1 under Section 306 IPC beyond reasonable doubt and when as above pointed out, the prosecution case being encircled with the serious doubts defects, lacunae, failings, contradictions and conjectures and in particular, when the earliest complaint lodged by the deceased herself had been suppressed by the prosecution and when the complaint Ex.P1 has also not disclosed any ill-treatment and torture alleged to have been caused to the deceased Mariammal by the accused in any manner other than the quarrel which they had been having over the drinking habit of the first accused and when with reference to the abovesaid weakness of the prosecution case, no plausible explanation is forthcoming to dispel the same one way or the other, in such view of the matter, the benefit of doubt emerging from the same should be extended in favour of the accused and accordingly, I hold that the prosecution has miserably failed to establish the abovesaid charges levelled against the accused beyond reasonable doubt and resultantly, acquit the accused A1 & A2 of the offences under Section 498-A IPC and further acquit A1 of the offence under Section 306 IPC.

14.The counsel for the appellants, in support of his contentions, has placed reliance upon the decision of the apex Court ***dated 11.11.2009 passed in Criminal Appeal No.2091 of 2009 (Arising out of S.L.P.(Crl) No.9483 of 2008) (Amalendu Pal @ Jhantu Vs. State of West Bengal)*** and the judgment of this Court ***dated 16.07.2015 passed in Criminal Appeal No.1047 of 2007 (Ravikumar Vs. The Inspector of Police, Pennadam Police Station, Cuddalore District in Crime No.64 of 2004)***. The principles of law outlined in the abovesaid decisions are taken into consideration and followed as applicable to the case at hand.

15. In conclusion, the impugned judgment dated 30.01.2013 passed in S.C.No.3 of 2011 on the file of the Mahila Court at Chennai, convicting and sentencing the appellants/accused No.1 & 2 under Section 498-A IPC and further convicting and sentencing the appellant/A1 under Section 306 IPC are set aside and the appellants / accused No.1 & 2 are acquitted of the offence under Section 498-A and the appellant/accused No.1 is acquitted of the offence under Section 306 IPC and accordingly, the criminal appeals preferred by the

appellants/Accused No.1 & 2 are allowed. Bail bond, if any, executed by the appellants/A1 & A2 shall stand cancelled. Fine amount, if any, paid by the appellants/A1 & A2 are ordered to be refunded to them.

Index : Yes / No
Internet : Yes / No
sms

08.07.2020

To

1.The Assistant Commissioner of Police,
M.K.B.Nagar Range, Chennai – 39.

2.The Public Prosecutor,
High Court, Madras.



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T.RAVINDRAN, J.

sms



**Pre-delivery Judgment made
in Crl.A.Nos.136 & 171 of 2013**

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