



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WEB COPY

CRL.A. (MD)No.73 of 2015

Ganesan

... Petitioner/ P.W.1 (Informant)

-Vs-

1) Paramasivam

2) Ramar

... Respondents/ Accused 1 & 2

3) The State rep. by

Inspector of Police,

Aviyoor Police Station, Virudhunagar District.

(Cr.No.119/2013)

... Respondent / Complainant

PRAYER: Criminal Appeal filed under Section 372 of the Criminal Procedure Code, praying to call for the records pertaining to the judgment of acquittal passed in S.C.No.23 of 2014 dated 22.09.2014 on the file of the Assistant Sessions Court, Virudhunagar, Virudhunagar District and quash the same and consequently convict the respondents 1 & 2 under Sections 306 & 498(A) of IPC.

For Petitioner: Mr.R.Murugappan

For RR 1 & 2 : Mr.Babu Rajendran

For R3

: Mr.K.K.Ramakrishnan,

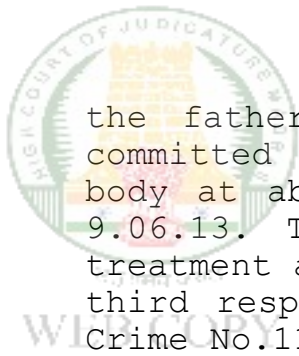
Additional Public Prosecutor

J U D G M E N T

The accused/respondents 1 & 2 herein, who were arrayed as A-1 and A-2 were charged and tried before the Assistant Sessions Court, Virudhunagar District in S.C.No.23 of 2014 for the offences under Section 306 and 498(A) of Indian Penal Code, and the trial Court found that the prosecution having not proved the case as against the accused/respondents 1 & 2 beyond reasonable doubt, acquitted the accused/respondents 1 & 2 herein. The petitioner/P.W.1 aggrieved by the said order of acquittal has preferred the present appeal. For the sake of convenience, the appellant petitioner is hereafter referred to as the *de facto* complainant and respondents 1 and 2 are referred as A1 and A2.

2. The brief facts, that are necessary for disposal of this appeal, are as hereunder:-

2.1. It is the case of the prosecution that due to cruelty meted out by A-1, who is the husband of the deceased and A-2, who is

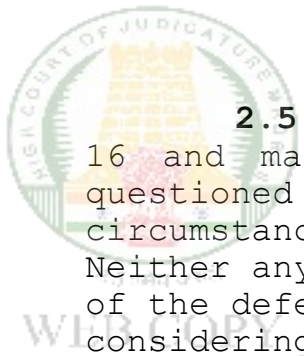


the father of A-1, in drunken mood, the deceased Theerthakarai committed suicide by self immolation by pouring kerosene over her body at about 1.00 a.m on the intervening night of 8.06.2013 and 9.06.13. The deceased was taken to the Government Hospital for treatment and on the basis of information given by the deceased, the third respondent, the Law Enforcing Agency, registered a case in Crime No.119 of 2013.

2.2. P.W.1, the *de facto* complainant, is the father of the deceased Theerthakarai; P.W.2 is the mother of the deceased and P.W.3 is the brother of the deceased. The marriage between the deceased and A-1 was solemnized during the month of February 2010 and they were blessed with a male child. The habit of A-1 consuming alcohol led to matrimonial disputes between the spouses and on the fateful day, i.e., on 08.06.2013 at about midnight 01:00 a.m., the deceased committed suicide by pouring kerosene over her body and setting herself on flames. She was taken to the Government Hospital, Madurai, for treatment, where she succumbed to the burn injuries after five days of the occurrence.

2.3. On information, the law enforcing agency, initially registered a case on the basis of the statement of the deceased Theerthakarai. In view of the deteriorating condition of the deceased, on account of the burn injuries, the dying declaration of the deceased was recorded by P.W.14, the learned Judicial Magistrate, which was attested to by P.W.1 and P.W.2. However, after the demise of Theerthakarai, a written complaint, Ex.P-1, was lodged by P.W.1 with P.W.13, Sub Inspector of Police, Aviyoor Police Station. On receipt of the said complaint, a case was registered by P.W.13 by preparing printed F.I.R., Ex.P-8. Since the death had happened within seven years of the marriage, inquest was conducted by P.W.12, the Revenue Divisional Officer. Printed F.I.R. was forwarded to the learned Judicial Magistrate and also to the higher officials, whereinafter P.W.15, the Deputy Superintendent of Police took up investigation. Thereafter, the investigation was handed over to P.W.16, the Inspector of Police, who went to the scene of occurrence and prepared observation mahazar, Ex.P-12 and drew the rough sketch. He examined witnesses and recorded their statements. He also examined the doctors and recorded their statements. The body of the deceased was sent for post-mortem and P.W.9, the doctor, conducted post-mortem on the body of the deceased. After completing the investigation, P.W.16 filed the final report against the accused/respondents for the offences u/s 306 and 498-A IPC.

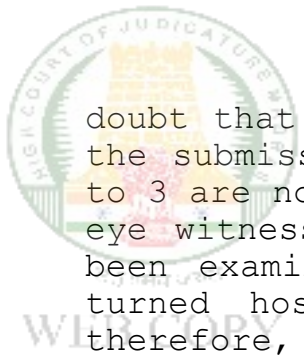
2.4. The accused/respondents herein were furnished with the relied upon documents under Section 207 Cr.P.C. and the case was committed to the Sessions Court for trial after framing charges under Sections 306 and 498(A) of I.P.C. When questioned, the accused/respondents herein pleaded not guilty.



2.5. To prove the case, the prosecution examined P.W.s 1 to 16 and marked Exs.P-1 to P-15 and M.O. When the accused were questioned under Section 313 Cr.P.C. about the incriminating circumstances appearing against them, they denied the same as false. Neither any oral nor any documentary evidence was marked on the side of the defence. The trial Court, after hearing either side and after considering the materials available on record, both oral and documentary, acquitted the accused aggrieved by which, the *de facto* complainant/P.W.1 has filed the present appeal.

2.6. The learned counsel appearing for the *de facto* complainant submitted that frequent quarrels ensued between A-1 and the deceased on account of the drinking habit of P.W.1. It is the further submission of the learned counsel that on the fateful day, the deceased came to her parental house and informed P.W.s 1 and 2 and she is being harassed by the accused and that she intends to end her life and P.W.s 1 and 2 pacified her and sent her to her matrimonial home. However, they came to know about the self-immolation committed by their daughter and they rushed to the Government Hospital. It is the submission of the learned counsel for the *de facto* complainant that the harassment meted out by the accused, of which the deceased has spoken about to P.W.s 1 and 2, had driven her to take the extreme step of committing suicide and, therefore, the ingredients of Section 306 IPC stands attracted to the case on hand. However, the trial court has not considered the above evidence in proper perspective and has acquitted the accused, which deserves interference at the hands of this Court. It is the categorical submission of the learned counsel for the appellant that the evidence of P.W.s 1 to 3 corroborate each other and they have clearly spoken about the harassment meted out to the deceased and, the act of the accused had instigated the deceased to commit suicide. It is the further submission of the learned counsel that P.W.s 1 to 3 have clearly spoken about the consumption of alcohol by A-1 and the subsequent torture meted out by the accused to the deceased. The harassment and torture, both physical and mental, meted out to the deceased by the accused had driven the accused to commit suicide, which has been spoken clearly by P.W.s 1 to 3. However, the trial court has not considered the evidence in proper perspective and has acquitted the accused, which requires to be interfered with.

3. Per contra, the learned counsel appearing for the accused submitted that it has been the consistently held by the courts that unless the order of acquittal passed by the trial court is found to be perverse and illegal, the appellate court ought not to interfere with the said acquittal. It is the submission of the learned counsel for the accused/respondents 1 and 2 that the *mens rea* has to be established with regard to the instigation of the accused in driving the deceased to commit the extreme step of ending her life and the onus is on the prosecution to prove beyond all reasonable



doubt that such *mens rea* existed and it cannot be inferred. It is the submission of the learned counsel for the accused that P.W.s 1 to 3 are not eye witnesses to the occurrence. Further, there are no eye witnesses to the occurrence and the other witnesses, who have been examined to speak about the other facets of the case, have turned hostile. P.W.s 1 to 3 are interested witnesses and, therefore, a duty is cast upon the court to microscopically analyse their evidence. It is the submission of the learned counsel that the evidence of P.W.s 1 to 3 in no way furthers the case of the prosecution to bring the crime within the ambit of Section 306 of IPC. Even it is the case of the prosecution, through the evidence of P.W.s 1 to 3 that there was matrimonial dispute between A-1 and the deceased. Perturbed by the matrimonial dispute, the deceased had decided to do away with her life and, in such circumstances, the accused cannot be fastened with the liability by bringing the death of the deceased within the ambit of Sections 306 and 498-A IPC.

4. It is the submission of the learned counsel that subsequent to the registering of the F.I.R., a panchayat was held at the hospital in which the accused were forced to execute a settlement deed in favour of the son of A1 and also to return all the Sreedhana articles to P.W.1. A veiled threat had also been given that failure to adhere to the said settlement would result in a complaint being lodged against the accused, which resulted in a wordy quarrel. It is therefore the submission of the learned counsel that all was not well between the families of the accused and the deceased and the act of the deceased created an opportunity for the parents of the deceased to exert pressure on the accused and their failure to yield to the said pressure, P.W.s 1 to 3, in order to wreck vengeance upon them, filed the complaint against the accused. It is the further submission of the learned counsel that the dying declaration, Ex.P-10, given to the Magistrate reveals that no allegations of a nature so as to attract the scope of Sections 306 and 498-A IPC has been levelled by the deceased against the accused and the trial court has considered all the materials in proper perspective and has found the accused not guilty of the charges and accordingly acquitted them, which warrants no interference by this Court.

5. This Court heard the learned counsel appearing for the appellant, the learned counsel appearing for respondents 1 and 2 and the learned Additional Public Prosecutor appearing for the third respondent State and perused the materials available on record to which this Court's attention was drawn.

6. In dealing with matters, where the acquittal rendered by the Court below is put to test, it is trite that unless the order of the court below suffers from the vice of perversity, the High Court ought not to interfere with the said order. In **Shailendra Pratap & Another vs. State of U.P.** AIR 2003 SC 1104 : (2003) 1 SCC 761: LNIND 2003 SC 6, the Supreme Court has categorically held that the



appellate court would not be justified in interfering with the order of acquittal unless the same is found to be perverse. The relevant portion of the order is extracted hereunder for better clarity:-

"8. Having heard learned counsel appearing on behalf of the parties, we are of the opinion that the trial court was quite justified in acquitting the appellants of the charges as the view taken by it was a reasonable one and the order of acquittal cannot be said to be perverse. It is well settled that the appellate court would not be justified in interfering with the order of acquittal unless the same is found to be perverse. In the present case, the High Court has committed an error in interfering with the order of acquittal of the appellants recorded by the trial court as the same did not suffer from the vice of perversity."

7. Yet again, in **Ram Kumar - Vs - State of Haryana AIR 1995 SC 280: 1995 Supp (1) SCC 248: LNIND 1994 SC 954**, the Hon'ble Supreme Court has once again highlighted the need for the High Court to give proper weight and consideration to the view of the court below and has further held that if the view taken by the court below is reasonable and plausible, order of acquittal should not be disturbed. In the above context, the Supreme Court held as under :

"15. Learned counsel for the appellant contended that the trial court had recorded the order of acquittal of all the accused persons including the appellant giving sound and cogent reasons for disbelieving the prosecution case and, therefore, the High Court should not have interfered with the order of acquittal merely because another view on an appraisal of the evidence on record was possible. In this connection it may be pointed out that the powers of the High Court in an appeal from order of acquittal to reassess the evidence and reach its own conclusions under Sections 378 and 379 (sic 378) CrPC are as extensive as in any appeal against the order of conviction. But as a rule of prudence, it is desirable that the High Court should give proper weight and consideration to the view of the trial court with regard to the credibility of the witness, the presumption of innocence in favour of the accused, the right of accused to the benefit of any doubt and the slowness of appellate court in justifying a finding of fact arrived at by a judge who had the advantage of seeing the witness. No doubt it is settled law that if the main grounds on which the court below has based its order acquitting the accused, are reasonable and plausible, and the same cannot entirely and effectively be dislodged or demolished, the High



Court should not disturb the order of acquittal.?"

8. The Hon'ble Apex Court in **V.Sejappa - Vs - State by Police Inspector, Lokayukta, Chitradurga AIR 2016 SC 2045: (2016) 12 SCC 150: LNIND 2016 SC 178** reiterating the principles to be followed in an appeal against acquittal, as has been laid down in a catena of judgments, held as under:-

"22. If the evaluation of the evidence and the findings recorded by the trial court do not suffer from any illegality or perversity and the grounds on which the trial court has based its conclusion are reasonable and plausible, the High Court should not disturb the order of acquittal if another view is possible. Merely because the appellate court on reappreciation and reevaluation of the evidence is inclined to take a different view, interference with the judgment of acquittal is not justified if the view taken by the trial court is a possible view. In *State v. K.Narasimhachary* [*State v. K. Narasimhachary*, (2005) 8 SCC 364 : (2006) 1 SCC (Cri) 41] , this Court reiterated the well-settled principle that if two views are possible, the appellate court should not interfere with the acquittal by the lower court and that only where the material on record leads to an inescapable conclusion of guilt of the accused, the judgment of acquittal will call for interference by the appellate court. The same view was reiterated in *T. Subramanian v. State of T.N.* [*T.Subramanian v. State of T.N.*, (2006) 1 SCC 401 : (2006) 1 SCC (Cri) 401]

23. In *Muralidhar v. State of Karnataka* [*Muralidhar v. State of Karnataka*, (2014) 5 SCC 730 : (2014) 2 SCC (Cri) 690] , this Court noted the principles which are required to be followed by the appellate court in case of appeal against order of acquittal and in para 12 held as under: (SCC pp. 735-36)

"12. The approach of the appellate court in the appeal against acquittal has been dealt with by this Court in *Tulsiram Kanu* [*Tulsiram Kanu v. State*, AIR 1954 SC 1 : 1954 Cri LJ 225], *Madan Mohan Singh* [*Madan Mohan Singh v. State of U.P.*, AIR 1954 SC 637 : 1954 Cri LJ 1656], *Atley* [*Atley v. State of U.P.*, AIR 1955 SC 807 : 1955 Cri LJ 1653] , *Aher Raja Khima* [*Aher Raja Khima v. State of Saurashtra*, AIR 1956 SC 217 : 1956 Cri LJ 426], *Balbir Singh* [*Balbir Singh v. State of Punjab*, AIR 1957 SC 216 : 1957 Cri LJ 481], *M.G. Agarwal* [*M.G. Agarwal v. State of Maharashtra*, AIR 1963 SC 200 : (1963) 1 Cri LJ 235], *Noor Khan* [*Noor Khan v. State of Rajasthan*, AIR 1964 SC 286 : (1964) 1 Cri LJ 167],



Khedu Mohton [Khedu Mohton v. State of Bihar, (1970) 2 SCC 450 : 1970 SCC (Cri) 479], Shivaji Sahabrao Bobade [Shivaji Sahabrao Bobade v. State of Maharashtra, (1973) 2 SCC 793 : 1973 SCC (Cri) 1033], Lekha Yadav [Lekha Yadav v. State of Bihar, (1973) 2 SCC 424 : 1973 SCC (Cri) 820], Khem Karan [Khem Karan v. State of U.P., (1974) 4 SCC 603 : 1974 SCC (Cri) 639], Bishan Singh [Bishan Singh v. State of Punjab, (1974) 3 SCC 288 : 1973 SCC (Cri) 914], Umedbhai Jadavbhai [Umedbhai Jadavbhai v. State of Gujarat, (1978) 1 SCC 228 : 1978 SCC (Cri) 108], K. Gopal Reddy [K. Gopal Reddy v. State of A.P., (1979) 1 SCC 355 : 1979 SCC (Cri) 305], Tota Singh [Tota Singh v. State of Punjab, (1987) 2 SCC 529 : 1987 SCC (Cri) 381], Ram Kumar [Ram Kumar v. State of Haryana, 1995 Supp (1) SCC 248 : 1995 SCC (Cri) 355], Madan Lal [Madan Lal v. State of J&K, (1997) 7 SCC 677 : 1997 SCC (Cri) 1151], Sambasivan [Sambasivan v. State of Kerala, (1998) 5 SCC 412 : 1998 SCC (Cri) 1320], Bhagwan Singh [Bhagwan Singh v. State of M.P., (2002) 4 SCC 85 : 2002 SCC (Cri) 736], Harijana Thirupala [Harijana Thirupala v. Public Prosecutor, (2002) 6 SCC 470 : 2002 SCC (Cri) 1370], C. Antony [C. Antony v. K.G. Raghavan Nair, (2003) 1 SCC 1 : 2003 SCC (Cri) 161], K. Gopalakrishna [State of Karnataka v. K. Gopalakrishna, (2005) 9 SCC 291 : 2005 SCC (Cri) 1237], Sanjay Thakran [State of Goa v. Sanjay Thakran, (2007) 3 SCC 755 : (2007) 2 SCC (Cri) 162] and Chandrappa [Chandrappa v. State of Karnataka, (2007) 4 SCC 415 : (2007) 2 SCC (Cri) 325]. It is not necessary to deal with these cases individually. Suffice it to say that this Court has consistently held that in dealing with appeals against acquittal, the appellate court must bear in mind the following:

(i) There is presumption of innocence in favour of an accused person and such presumption is strengthened by the order of acquittal passed in his favour by the trial court;

(ii) The accused person is entitled to the benefit of reasonable doubt when it deals with the merit of the appeal against acquittal;

(iii) Though, the powers of the appellate court in considering the appeals against acquittal are as extensive as its powers in appeals against convictions but the appellate court is generally loath in disturbing the finding of fact recorded by the trial court. It is so because the trial court had an advantage of seeing the demeanour of the witnesses. If the trial court takes a reasonable view of the facts of the case, interference by the appellate court with the



judgment of acquittal is not justified. Unless the conclusions reached by the trial court are palpably wrong or based on erroneous view of the law or if such conclusions are allowed to stand, they are likely to result in grave injustice, the reluctance on the part of the appellate court in interfering with such conclusions is fully justified; and

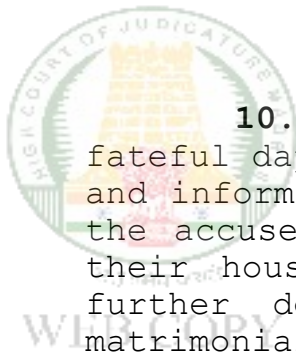
(iv) Merely because the appellate court on reappreciation and reevaluation of the evidence is inclined to take a different view, interference with the judgment of acquittal is not justified if the view taken by the trial court is a possible view. The evenly balanced views of the evidence must not result in the interference by the appellate court in the judgment of the trial court."

9. Keeping the above principles of law laid down by the Apex Court in mind, this Court will now proceed to examine the evidence and the materials on record to see whether the conclusions recorded by the court below for acquitting the accused are reasonable and plausible or the same stands vitiated by manifest illegality or the conclusions recorded by the appellate court are such which could not have been possibly be arrived at by any court acting reasonably and judiciously, which could in turn be said to be perverse.

10. The facts as to the relationship of the parties, viz., A-1, A-2, the deceased, P.W.s 1, 2 and 3 are not in dispute. P.W.s 1 to 3 are related by way of marriage of their daughter to A-1. A-2 is the father-in-law of the deceased. The deceased and A-1 were also blessed with one male child, which is also not in dispute. It is clear from their evidence that they have spoken in unison about the happenings post the marriage of the deceased with A-1. However, as P.W.s 1 to 3 are related to the deceased, this Court is entrusted with the task of stifling through their evidence to find out whether their evidence is free from embellishments and interpolations and whether their evidence is trustworthy to interfere with the order passed by the trial court.

10.1. There are no eye witnesses to the occurrence. However, P.W.s 1 to 3 have been projected by the prosecution to speak about the matrimonial discord between the deceased and A-1 and also the harassment meted out by the accused to the deceased. P.W.s 5, 6, 7 and 8, have turned hostile and, therefore, their evidence in no way furthers the prosecution case.

10.2. The evidence of P.W.1, which stands corroborated on all material aspects by P.W.s 2 and 3, reveals that the marriage of the deceased with A-1 was solemnized during February 2010. P.W.1 has further deposed that A-1 is residing in the next street and that A-1 frequently consumed alcohol, which led to frequent matrimonial disputes between the spouses. The evidence of P.W.1 further reveals that P.W.s 1 and 2 used to pacify the deceased and send her to her matrimonial house.

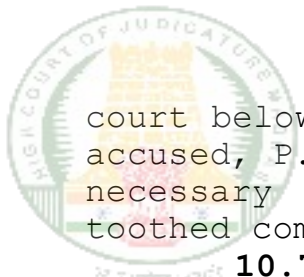


10.3. The evidence of P.W.1 further reveals that on the fateful day, i.e., 8.06.2013, the deceased came to her parental home and informed P.W.s 1 and 2 about the harassment meted out to her by the accused. P.W.1 has further deposed that the deceased came to their house alone and the child was not with her. P.W.1 had further deposed that they pacified her and sent her to her matrimonial home and after some time, they came to know that their daughter committed suicide by pouring kerosene over her body.

10.4. It is to be borne in mind that initially on receipt of information, the law enforcing agency had recorded the statement of the deceased at the hospital on the day of occurrence. However, subsequently, when her condition worsened, dying declaration, Ex.P.10, was recorded by the Magistrate in the presence of P.W.s 1 and 2, which was attested by them. It is only subsequent to the dying declaration, the complaint, Ex.P-1 has been lodged by P.W.1 based on which the criminal machinery was set in motion.

10.5. P.W.1 has deposed that his daughter had affixed her thumb impression in the complaint, Ex.P-1 as well as the dying declaration recorded by the Magistrate. However, the said deposition of P.W.1 was contradicted by the doctors, P.W.s 9 and 10, who have categorically deposed that since the victim had suffered more than 75% burn injuries, they were not able to affix her thumb impression in the complaint as well as in the dying declaration and, therefore, her left toe impression was only obtained in the above documents.

10.6. It is to be pointed out at this juncture, at the risk of repetition, that subsequent to the dying declaration, Ex.P-10, given by the deceased, the complaint was given by P.W.1, in which he has pointed a finger on the accused as the persons responsible for the deceased committing suicide. But the said complaint of P.W.1 stands nullified by the dying declaration recorded from the deceased, in which the deceased has not made any allegations as against the accused. The deceased, nowhere in the dying declaration, has stated that she was instigated by the accused to commit suicide. The dying declaration of the deceased only reveals that she had endeavoured to commit suicide only on account of certain family issues and no specific allegations have been made by her either against A-1 or A-2. Except for a statement that A-1 prevented the deceased from frequenting to her parental house, there is no allegation made as against the accused. The dying declaration clearly reveals that the suicide was committed without there being any instigation by any person. Further, it is also clear from the note of the doctor that the deceased was in a conscious and fit state of mind to give the dying declaration. Therefore, in the absence of any allegations made by the deceased against the accused, it would be wholly unsafe to rely on the evidence of P.W.s 1 to 3 and the complaint Ex.P-1 to overturn the acquittal recorded by the



court below, more so, as pointed out by the learned counsel for the accused, P.W.s 1 to 3 are interested witnesses and, therefore, it is necessary for the court to scrutinize their evidence with a fine toothed comb.

10.7. One other crucial admission of P.W.1, which enures to the benefit of the accused is that in cross examination, P.W.1 has admitted that while the deceased was in the hospital, a panchayat was convened where the accused agreed to deposit a sum of Rs.3,50,000/- in favour of his son and also settle the properties in his favour. However, subsequent to the said settlement, the demise of the deceased had led to the filing of the complaint by P.W.1. It is to be remembered at this stage that the deceased, who was none other than the daughter of P.W.s 1 and 2, was fighting for her life and no prudent and affectionate parent would hold a panchayat to get settlement of properties. Such an admission about the conduct of the panchayat from the mouth of P.W.1 himself speaks volumes about the nature of person P.W.1 is and this Court is not inclined to amplify on this aspect any further.

10.8. P.W.13, Sub Inspector of Police had initially registered a case under section 174 Cr.P.C. P.W.12, the Revenue Divisional Officer had examined the deceased in hospital and thereafter, he conducted inquest over the body of the deceased after her demise. P.W.12, in his evidence has categorically deposed that no dowry harassment was complained of by the deceased or for that matter by any of the other witnesses. It is further to be pointed out that the law enforcing agency has also not received any complaint with regard to alleged dowry harassment. The evidence of the above official witnesses categorically reveal that there was no harassment meted out to the deceased by the accused, but however, there were matrimonial disputes between the spouses. It is to be pointed out that the outcome of marriage is matrimonial dispute, which lingers in every family and mere matrimonial dispute between the spouses alone cannot be exaggerated and stated to be a harassment meted out by one spouse on the other.

10.9. A cumulative reading of the entire evidence available on record coupled with the complaint and the dying declaration leads this court to the irrefutable conclusion that the accused were not the aggressors, who had instigated the deceased to commit suicide. True it is that there were quarrels between the spouses, but definitely that was not the root cause for the suicidal act of the deceased. Even the evidence of P.W.1 reveals that there were frequent quarrels between the spouses. That being the case, the harassment alleged to have been meted out on the fateful day had resulted in the suicide of the deceased is too large an ask of this Court to set aside the acquittal. Seeing from all angles of the prosecution theory, this Court is of the considered view that there is neither any perversity nor any illegality in the decision arrived at by the Court below.



11. To sum up, the Apex Court, in the recent decision in **Shailendra Rajdev Pasvan - Vs - State of Gujarat (2019 SCC OnLine SC 1616)** has reiterated the ratio consistently laid down that unless the acquittals were vitiated by manifest illegality or such a conclusion could not have been possibly arrived at by any Court acting reasonably and judiciously and is, therefore, liable to be characterized as perverse, proper weight should be given to the presumption of innocence in favour of the accused. Therefore, on an overall conspectus of the materials available on record, both oral and documentary, this Court is led to the irrefutable conclusion that the acquittal of the respondents herein/ A1 and A2, ordered by the Sessions Court is based on just and reasonable findings and there being no materials available on record to dislodge the said findings, this Court is left with no other alternative, but to dismiss the appeal.

12. For the reasons aforesaid, this Court does not find any reason to differ from the findings recorded by the Sessions Court to acquit the respondents herein and, accordingly, the appeal is dismissed confirming the order of acquittal recorded in S.C.No.23 of 2014 on the file of the Assistant Sessions Court, Virudhunagar, Virudhunagar District.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Assistant Sessions Court,
Virudhunagar, Virudhunagar District

2. The Inspector of Police,
Aviyoor Police Station, Virudhunagar District.

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

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-9714[F] dated 03/03/2020)

Judgment made in

CRL.A. (MD)No.73 of 2015

02.03.2020

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