



Bail Slip

Crl.A.No.65 of 2015

The Petitioner/Accused namely Bala @ Balasubramaniyan, was released on bail as per order of this court dated 04/02/2015 in Crl.M.P.No.1 of 2015 in Crl.A.No.65 of 2015 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.06.2021

PRONOUNCED ON : 05.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

Crl.A.No.65 of 2015

Bala @ Balasubramaniyan ...Appellant/Accused
-Vs-

State rep.by
Inspector of Police,
Mannargudi Town Police Station,
Thiruvarur District. ... Respondent/Complainant

Prayer: Criminal Appeal filed under Section 374 of the Code of Criminal Procedure, to set aside the conviction and sentence imposed on the appellant in S.C.No.77 of 2013, dated 12.12.2014, on the file of the learned Sessions Judge, Magalir Neethimandram, Thiruvarur.

For Appellant : Mr.R.Thirumoorthy

For Respondent : Mr.J.C.Duraiaraj
Government Advocate (Crl.Side)

J U D G M E N T

This appeal has been filed by the appellant/accused challenging the judgment of conviction and sentence imposed on him in S.C.No.77 of 2013, dated 12.12.2014, on the file of the learned Sessions Judge, Magalir Neethimandram, Thiruvarur. The appellant was found guilty for the offence punishable under Section 498(A) IPC, and was sentenced to undergo two years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default to undergo six months Rigorous Imprisonment. The period of detention already undergone by the accused was ordered to be



set-off under Section 428 Cr.P.C.,

I.FACTS OF THE CASE:

2.The appellant/accused is the husband of the deceased Ramya @ Renugadevi. The marriage between them was solemnized at A.K.S.Marriage Hall, Mannargudi. Out of their wedlock, a male child was born. They were residing at Door No.64/B2, New Bye Pass Road, Mannargudi. The accused often used to pick up quarrel with the deceased. In this regard, earlier panchayats were also held. On the date of occurrence, i.e on 28.12.2010, at about 6 P.M., accused quarreled with the deceased and scolded her by saying that she should not stay at the house and should go out of the house. Due to the above cruelty and harassment, the deceased committed suicide by pouring kerosene. Therefore, the chargesheet was laid against the accused for offence under Sections 498 (A) and 306 IPC.

3.Initially, the learned Judicial Magistrate No.1, Mannargudi took the case on file in PRC No.3 of 2013 and furnished copies of the case materials and document to the accused. On considering the case materials and documents, the learned Judicial Magistrate No.1, Mannargudi, has come to the conclusion that the case is exclusively triable by the Court of Sessions. Therefore, the learned Judicial Magistrate No.1, Mannargudi, transferred the case to the Principal Sessions Judge, Tiruvarur. The Principal Sessions Judge, Tiruvarur in-turn made over the case to the Assistant Sessions Judge, Mannargudi for trial with respect to the charges laid against the accused under Sections 498 (A), 306 IPC.

4.The learned Assistant Sessions Judge, Mannargudi, found that prima facie case was made against the accused for offence under Sections 498 (A), 306 IPC. Accordingly, charges were framed against the accused and was read over to the accused. When the accused was questioned about the respective charges laid against him, he denied the charges and claimed to be tried. Thereafter, the case was transferred to the learned Principal Sessions Judge, Tiruvarur.

II.WITNESSES EXAMINED AND DOCUMENTS RELIED UPON:

5.In order to prove the guilt of the accused, the prosecution has examined nineteen witnesses as PW1 to PW19 and marked Exhibits P1 to P13. The prosecution also marked material objects as MO1 to MO5. On the side of the accused, no documents were examined, however, the statement of the accused was recorded under Section 313 Cr.P.C., The accused has denied all the incriminating evidence against him and has not adduced any independent witness nor produced any document.

6.The learned Sessions Judge after considering both oral



and documentary evidence on record, by judgment dated 12.12.2014, has convicted the accused. The accused was found guilty for the offence punishable under Section 498(A) IPC, and hence, he was sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months rigorous imprisonment. The period of detention already undergone by the accused was ordered to be set-off under Section 428 Cr.P.C., The accused was not found guilty for the offence under Section 306 IPC.,

7. Being aggrieved by the judgment of conviction and order of sentence, the accused-appellant approached this Court with the present appeal.

8. We have heard Mr.R.Thirumoorthy, learned counsel for the appellant and Mr.J.C.Durairaj, learned Government Advocate (Crl. Side) for the respondent.

III. ARGUMENTS ADVANCED BY THE LEARNED COUNSEL FOR THE APPELLANT AND RESPONDENT:

9. The learned counsel for the appellant argued that PW1/Paternal uncle of the deceased, has admitted in his cross-examination that he went to the Police Station and gave a written complaint against the accused. On the other hand, PW10/Sub-Inspector of Police attached to Mannargudi Police Station, in his deposition stated that on 29.10.2010, at about 7.50 A.M, he received a death information from the Tanjore Medical College Hospital, therefore, he went there and received a complaint from PW1 and then returned to the Police Station at 11 A.M., and registered a complaint in Crime No.954 of 2010 under Section 174 Cr.P.C., Therefore, the prosecution has completely suppressed the earlier complaint filed by PW1 and it is not known as to what is the version of PW1 in his first complaint. The second complaint was a fabricated one and based on the same, PW10 has foisted a false case against the accused. The first complaint was conceded by PW1. Therefore, he contended that suppression of the first complaint and prosecuting the accused on the basis of the second complaint is fatal to the prosecution. In support of his contention, he referred the judgment in the case of Kandasamy Vs.State reported in MANU/TN/4430/2010.

10. He further argued that, according to PW7/the Judicial Magistrate, he recorded the dying declaration of the deceased on 29.10.2010 at about 12.30 A.M., Whereas, PW1, PW2 and PW8 have deposed that the deceased was not in a position to speak until her death. When that being the position, how PW7, could have recorded the statement of the deceased when she was admitted in the hospital. Therefore, he submitted that there is suppression of fact in the dying declaration recorded by PW7.



Further, he referred the deposition of PW12/RDO, who stated that there was no dowry demand and the deceased's death is not owing to such demand and harassment. PW12, after examining the witnesses viz., Chandramohan, Elangovan, Ramesh, Veeramani and Veeraiyan, has filed a report stating that no dowry demand or harassment was made on the part of the accused. When there was no dowry demand, then there was no need for the appellant to harass the deceased. Further, the person who registered the Accident Register has not deposed whether the deceased was in a position to speak at the time of admitting her in the hospital.

11.The learned counsel further submitted that even assuming that the dying declaration is taken into consideration, as per the statement of the deceased that there was quarrel between the appellant and the deceased, and mere words scolding the deceased by saying "get out of the house" is not sufficient to prove the quarrel. Secondly, the deceased deposed that when the deceased called the appellant to her parents' house, the appellant asked the deceased to go by alone. Even in this statement, there is no cruelty, in fact, the accused had let the deceased to go to her parents' house. If the accused refused to permit the deceased to go to her parents' house, that may amounts to an cruelty. Hence, the statement recorded as the dying declaration is not sufficient to prove the case of the prosecution. Therefore, the learned counsel sought to set aside the judgment passed by the learned Sessions Judge in S.C.No.77 of 2013. In support of his contention he relied on the judgment in the case of Sekar Vs. State by Inspector of Police, Thiruchengode Police Station, Namakkal District reported in (2011) 3 MLJ (Cr1) 829.

12.On the other hand, Mr.J.C.Durairaj, learned Government Advocate appearing for the respondent submitted that the second complaint is not fatal to prosecute the accused for the simple reason that it is not the case of the appellant that somebody else committed the crime. Therefore, he submitted that even assuming that the second complaint was taken on record, it did not contain any false statement/information, only based on the actual fact the complaint was registered and even assuming that there was falsity, then that would have come into the picture at the time of filing the charge sheet. Now, the prosecution has thoroughly examined, charge sheet was filed, the Court had also come to the conclusion that the accused quarreled with the deceased willfully and the same driven her to commit suicide and convicted him for the offence under Section 498(A) IPC.,

13.Further, PW7/the Judicial Magistrate recorded the dying declaration of the deceased on 29.12.2010 at 12.30 A.M., Before recording the dying declaration, he enquired the fitness



of the deceased with PW6/Doctor. PW6 informed that the deceased was fit to provide the statement. PW7 is not an interested person, who recorded the statement. Therefore, no falsity occurred in recording the dying declaration. PW6/Doctor has signed in the Accident Register and he has deposed about the the burn injuries. PW12/RDO, after examining some of the witness filed a report stating that there was no dowry dispute between the accused and the deceased. In the present case, the accused was convicted only for the offence under Section 498 (A) IPC based on cruelty and not on the basis of dowry demand. Therefore, he submit that the learned Sessions Judge has rightly convicted the appellant and prayed for the dismissal of the appeal.

IV.POINTS TO BE CONSIDERED:

14.In view of the aforesaid rival contentions raised by the learned counsel for the parties, the points that arises for consideration in the present appeal are:-

1.Whether the learned Sessions Judge is justified in convicting the accused for the offence under Section 498 (A) IPC and sentencing him to undergo two years rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo six months rigorous imprisonment, in the facts and circumstance of the case?

2.Whether the impugned judgment of conviction and sentence calls for inference in this appeal?

V.CONSIDERATION:

15.I have given anxious consideration to the submissions made by the learned counsel for the appellant and the learned Government Advocate for the respondent and perused the entire materials available on records called in.

16.In order to prove the case of the prosecution, it had examined nineteen witnesses. In order to re-appreciate the entire material on record including oral and documentary evidence, it is relevant to consider the evidence of the prosecution witnesses and the documents relied upon.

PW1 - Rajendran, who is the paternal uncle (Brother of the deceased's father) deposed that on 28.12.2010, he was informed by PW11/Bharathi Mohan through phone that the deceased met with a fire accident. Immediately, PW1 and PW2/mother of the deceased went to the place of occurrence. There, they met PW3/Kalaiyarasi, who is the owner of the house, where, the deceased and her husband were residing and PW3 narrated the incident. Then they went to the Hospital, Tanjore and the deceased told them that she herself poured kerosene and set fire due to the quarrel with her husband. However, PW1 in his cross examination, had admitted the fact that the deceased was not in a position to speak when he visited her in the hospital, till her death. Further, he had stated that he went to the police



station and gave complaint against the accused.

PW2 - Prema, Mother of the deceased deposed that Ramya was not in a position to speak. However, she has stated that as if Ramya informed that her husband assaulted and harassed her.

PW3 - Kalaiyarasi is the owner of the house where the deceased and the accused were residing. She was residing at the ground floor, the deceased and accused were residing in a portion at the first floor. She deposed that on 28.12.2010, there was noise at the accused's house. She also heard the noise of child of the accused. Therefore, she went upstairs and brought the child with her. Later accused came down and asked PW3 to look after the deceased, "since she was in an angry mood". Then the witness Nagarani/PW4, who was residing in another portion at the upstairs called her by saying that there was great noise. Thereafter, PW3 and PW4 and the accused went to the upstairs. The door was locked. when they enter into the house, the deceased was burned. They rolled the saree on the deceased and took her to the Hospital, Mannargudi.

PW4 - Nagaraj, who was residing in the another portion, adjacent to the deceased house deposed that he heard noise from the accused house, he informed the same to PW3. He witnessed PW3 and the accused opened the door and went inside. The smell and smoke came out from the bathroom. The bathroom was locked inside. So the accused broke open the door and went inside. They seen that the deceased suffering from burn injuries and taken her to the Hospital, Tanjore for treatment.

PW5 - Dr.M.Rajkumar who conducted postmortem deposed that there was carbon particles in the trachea. He opined that the deceased would have died due to the complications of extensive burns.

PW6 - Dr.R.Yeganadhan, attached to Tanjavur Hospital who treated the deceased deposed that on 28.10.2010, while he was on duty, the accused brought the deceased Ramya to the Hospital. He alleged that Ramya set fire herself by pouring kerosene. On 29.10.2010 at about 4.30 A.M., Ramya was died. However, he doesn't spoken about the fitness certificate given by him, while recording the dying declaration of the deceased.

PW7 - The Judicial Magistrate, who recorded the dying declaration given by the deceased deposed that on 28.10.2010, at about 11.50 P.M., she received intimation from the Tanjore Hospital, for recording the dying declaration. She went to the Hospital and seen the deceased at Ward No.5. She enquired the Doctor about the fitness of the deceased. Thereafter, she has put some questions to the deceased and satisfied that the



deceased was conscious and fit to give declaration. Then she recorded the statement of the deceased at about 12.30 A.M., she recorded the statement of the deceased as per her words. Again she obtained fitness certificate from the Doctor. The deceased stated before PW7 that, "her husband quarreled with her in the afternoon by saying that she should not stay in the house. So that the deceased herself poured kerosene and set fire. Further, the deceased stated that she called the accused to their village, but the accused refused the same and directed the deceased to go". After recording the statement, PW7/the Judicial Magistrate obtained the thumb impression of the deceased and the dying declaration was marked as Ex.P4.

PW8 - Brother of the deceased, who came to the hospital after hearing about the occurrence. Though, he deposed that the deceased was in a position to speak and he doesn't speak anything to the deceased, in his cross-examination, he admitted that the deceased was not in a position to speak.

PW9 - Ganesan, is the attesting witness to the observation Mahazar and Recovery. He stated that the Police came to the spot and visited the scene of occurrence and prepared a observation mahazar (Ex.P4A) and rough sketch (Ex.P11). Further the Police recovered the Mos. 1 to 5, from the seen of occurrence under the mahazar (Ex.P5).

PW10 - Somasundaram is the Sub-Inspector of Police, attached to the Mannargudi Town Police Station. On 29.10.2010 at about 7.50 A.M., he received complaint (Ex.P1) from PW1. Then he return to Police Station at about 11.00 A.M., and registered a case in Crime No.954 of 2010 under Section 174 Cr.P.C.

PW11 - Bharathimohan, the Panchayat President stated that on 08.02.2009, the marriage between the deceased and the accused was held. The accused used to consume alcohol and beat Ramya. He also demanded some amounts and jewels. In this regard, the deceased Ramya earlier given a complaint against the accused and her in-laws. For the inquiry, PW11 also went to the Police Station. The accused assured that he would look after the deceased properly. So that, Ramya was sent along with the accused. Even then, the accused harassed the deceased and the same was intimated to PW11 by the deceased's mother (PW2). One day, at about 12 O'clock, PW2 informed PW11 that the accused assaulted Ramya by demanding money. Therefore, PW11 went to the accused house and pacified him. At that time also the accused was in drowsy state owing to the intake of liquor. On 15.12.2010, his friend Gopalakrishnan informed him about the occurrence and then he went to the Tanjore Hospital. Next day, he was informed about the death of the deceased.



WEB COPY

PW12 - Muthulakshmi is the RDO, who conducted the inquest on the body of the deceased. He examined the villagers and the witnesses. On enquiry he found that the death of the deceased was not due to dowry harassment and filed a report-Ex.P7.

PW13 - is the Head constable, who handedover the body of the deceased for the postmortem. After completion of the postmortem, he handedover the body to the relatives.

PW14 - is the Special Sub-Inspector of Police, who received the death intimation from the Tanjore Hospital and recorded the same.

PW19 - is the Doctor, attached to the Mannargudi Hospital. Since the Doctor Senthilnathan, who gave first aid and recorded the Accident Register Ex.P13, went abroad, he deposed on behalf of Doctor Senthilnathan. On the basis of record, he gave evidence. It is alleged that on 28.12.2010 at about 07.00 P.M., the deceased herself poured kerosene and set fire and she sustained 100% second degree burn injuries.

17. I have carefully re-appreciated the evidence of the witnesses and perused the entire records. It is the bounden duty of the prosecution to prove the fact that the death of Ramya occurred due to the cruelty on the part of the accused. In this regard, the prosecution examined PW1 to PW3, PW6, PW7 and PW12. Though the case was registered for the offence under Sections 498 (A) and 306 IPC, the accused was convicted for the offence under Section 498 (A) IPC. Now, it is for the Court to find out with the available oral and documentary evidence, whether there was an act of cruelty on the part of the accused. For better clarity, Section 498 (A) IPC is extracted hereunder:-

"498A. Husband or relative of husband of a woman subjecting her to cruelty.-Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine. Explanation.-For the purpose of this section, "cruelty" means-

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or



WEB COPY

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand."

18. From the above provision of law it is clear that, cruelty means any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or harassment of the woman where such harassment is with a view to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

19. It is not the case of anybody that the accused demanded dowry, which was the cause of death. The case of the prosecution is that due to the cruelty on the part of the appellant, the deceased committed suicide. In order to prove the same, the prosecution has heavily relied upon the evidence of PW1 to PW3, PW6 and PW7.

20. A perusal of the evidence of PW1 would show that the deceased informed him about her husband's assault and harassment. PW2/mother of the deceased also deposed the same. However, both PW1 and PW2 deposed in their cross examination that the deceased was not in a position to speak until her death. When such being the case, this Court is unable to find any force in the contention of the prosecution that the deceased stated to PW1 and PW2, as if that she was harassed and assaulted by her husband.

21. A perusal of the deposition of PW3 would show that she heard some noise from the deceased's house but she was not able to hear what was the conversation between the husband and wife. PW3 is the owner of the apartment and she was living in the ground floor while the accused and his wife along with their child were living on the first floor. When PW3, heard the quarrel between the accused and his wife, she went upstairs and picked up the child with her. However, she was not able to point out what was the conversation between the accused and his wife at the time of quarrel. But the fact remains that the accused came down and met PW3 and requested her to take care of his wife as she is in a very angry mood, which shows that the accused was worried about his wife's intolerable anger. Further it shows that the accused had no intention to harass her wife and he sought only help from PW3, to console his wife as she was in a very angry mood.



22. When such being the real situation there, it is the foremost duty of the prosecution to establish that the accused harassed his wife beyond reasonable doubt. The evidence of PW3 only shows that the accused sought PW3's help to console his wife. That apart, this court is unable to cull out anything from the re-appreciation of the prosecution evidences, viz., about the involvement of the accused to harass his wife, which ultimately provoked his wife to commit suicide.

23. Further, it is not the case of the prosecution that the harassment was made by the appellant/accused by demanding any sort of dowry, which is very clear from the re-appreciation of the evidences of PW1 to PW19, since none of the witnesses have ever deposed about the demand of dowry by the accused. The conduct of the accused is also important here, which shows that only he was on the receiving end from his wife. In fact the accused was scared of his wife due to her indifferent behaviour, the same was brought into the knowledge of PW3 by the accused and he requested her to take care of his wife as she was in an angry mood.

24. Merely because the wife of the accused committed suicide, will not ipso facto be inferred that the cause for the suicide was due to the harassment of her husband. Mental state of the deceased is also very important to be noted here. It is the bounden duty of the prosecution to prove beyond reasonable doubt that the deceased had committed suicide due to the harassment of her husband. All the evidences which were adduced on behalf of the prosecution does not establish anything about the intention or any act of cruelty on the part of the appellant to harass his wife which resulted her to commit suicide.

25. This court is unable to find out any mens rea for cruelty in order to inflict the accused within the provisions of offences under section 498A of the IPC. Therefore, I have no hesitation to hold that the prosecution has failed to make out any case under section 498A IPC against the accused. Thus, the conviction under section 498A IPC against the accused is not sustainable and the same is liable to be set aside.

26. PW7 is the Judicial Magistrate who recorded the dying declaration. Wherein, the deceased deposed that her husband asked to get out of her from his house. Further, she deposed that she asked her husband to come to her parents' house, for which her husband refused and asked her to go alone. This Court is unable to find any cruelty in the above statement. When the wife wants to go to her parents' house, the husband permitted to go. Had there was any refusal on the part of the husband by not letting her to go to her parents' house, there may be little cause for the cruelty. In the present case, the accused permitted the deceased to visit her parents' house. But mere saying that "get out of the house" will not amount to cruelty.



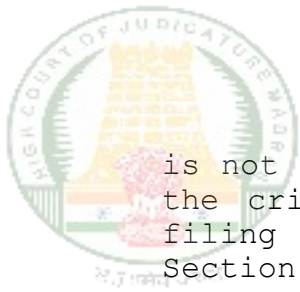
A perusal of the dying declaration, particularly the lost sentence would show that the deceased was in a dominating position and demanded her husband to come with her to her parents' house and for which the accused asked her to go alone. Therefore, I do not find any incriminating instance that would amount to cruelty against the deceased. Further, the learned Trial Judge did not find any case under Section 306 IPC for abetment of suicide.

27. It would be apposite to extract the judgment in the case of Sekar Vs. State by Inspector of Police, Thiruchengode Police Station, Namakkal District reported in (2011) 3 MLJ (Cr1) 829, for better appreciation. The relevant portions are reproduced hereunder:

"6. Mere uttering of word 'go and die' itself will not constitute such abetment. Applying the above principles, to assess as to whether the accused really had the animus and had driven the woman to commit suicide, the Court has to take into account the credibility of the circumstance. In this case, as I have already stated, except the evidence to the effect that there were frequent domestic quarrels between the appellant and D.1, there is no other material available on record to show that the appellant had the intention to drive the woman to commit suicide. It is also not on record that the deceased committed suicide because of any abatement on the part of the appellant. Therefore, the conviction of the appellant under Section 306 cannot be sustained as the prosecution has failed to bring home the alleged guilt of the appellant."

A perusal of the above case would show that the case was filed for the suicide committed by the deceased under Sections 498 A and 306 IPC. The Trial Court convicted the accused for the offence under Section 498A IPC and acquitted the accused for the offence under Section 306 IPC, wherein, it has held that mere uttering the word 'go and die' will not constitute the abetment and acquitted the accused.

28. As far as the contention raised by the learned counsel for the appellant that the first complaint filed by PW1 was not taken no record is concerned, no doubt that the complaint filed by PW1 was suppressed and the statement recorded by PW10 was registered as a complaint. However, mere suppression of the first complaint will not in anyway affect the case of the prosecution for the simple reason that both the first complaint and the second complaint was with regard to the suicide and it



is not the case of the prosecution that someone else involved in the crime. Further, the accused has not stated anything about filing of false complaint in his statement recorded under Section 313 Cr.P.C.,. Therefore, as far as this case is concerned, filing of second complaint based on the information received from the hospital, upon enquiry is not fatal to the prosecution. Further, the judgment relied by the learned counsel for the appellant in the case of Kandasamy Vs.State reported in MANU/TN/4430/2010, is not relevant to the present case in hand.

29.As the aspect of cruelty is not established by the prosecution, this Court is of the opinion that the order of conviction rendered by the learned Sessions Judge by charging the accused under Section 498(A) is liable to be set aside.

VI.CONCLUSION:

30.I have carefully and cautiously gone through the judgment of the Trial Court. The learned Sessions Judge, without properly appreciating the evidence available on record, only on surmises, presumption and assumption by relying upon the evidence of Pws.1, 2, 3, 7 and 12 in different perspective has come to the wrong conclusion that the accused was cause for the death of the deceased and has wrongly convicted the accused. Therefore, the judgment of the Trial Court is not sustainable in law as prosecution has failed to establish the incriminating evidence of cruelty on the part of the accused in terms of Section 498 (A) IPC. Therefore, it requires interference at the hands of this Court. Keeping in view the discussion made by this Court, the appellant/accused has made out a case to set aside the judgment of the Trial Court and the points for determination made above are answered in favour of the accused, under the circumstance of the case.

31.For the foregoing reasons, the appeal preferred by the accused deserves to be allowed. Hence, this Court proceed to pass the following:

VII.RESULT:

- (i) Appeal is allowed;
- (ii) The judgment of conviction dated 12.12.2014 in S.C.No.77 of 2013 passed by the learned Single Judge, Magalir Neethimandram, Thiruvavarur, is hereby set aside;
- (iii) Consequently, the appellant/accused is acquitted from the charges for the offence under Section 498(A) IPC;
- (iv) The appellant/accused is set at liberty forthwith, if he is not required in any other case;
- (v) Registry is directed to communicate the operative portion of this judgment to the concerned jail authority to release the accused, if he is not required in any other case after following Standard Operating Procedure and in accordance with law, if the appellant-accused is in jail;



(vi) Registry is also hereby directed to send back the records to the Trial Court along with a copy of this judgment;

(vii) If the appellant/accused has deposited any fine amount, the same is ordered to be refunded, on proper identification and acknowledgment.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

rst

To

1.The Sessions Judge,
Magalir Neethimandram, Thiruvarur.

2.The Judicial Magistrate
Mannargudi

3.The Chief Judicial Magistrate
Thiruvarur

4.The Inspector of Police,
Mannargudi Town Police Station,
Thiruvarur District.

5.The Public Prosecutor,
Madras High Court.

Copy To:

1. The Section Officer,
Criminal Section,
High Court, Madras.
2. The Section Officer,
Criminal Section, (Records)
High Court, Madras.

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No.31235

Cr1.A.No.65 of 2015

NMI (CO)
SB(05/08/2021)