



BAIL SLIP

The Appellant herein /Accused viz Padma, F/45, W/o.Kandaraj was directed to be the released on bail as per order of this Court dated 09.01.2015 in Crl.M.P.No.1 of 2015 in Crl.R.C.No.19 of 2015.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Reserved on : 05.08.2021)

(Pronounced on : 20.10.2021)

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.19 of 2015

Padma

....Petitioner

.. Vs ..

State by Inspector of Police,
Ammamet Police Station,
Salem District.
Crime No.223 of 2011

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C., to set aside the judgment of C.A.No.87 of 2013 dated 17.10.2014 on the file of Principal District and Sessions Judge, Salem by confirming the sentence punishment passed in the judgment passed in C.C.No.78 of 2013 dated 26.08.2013 on the file of Judicial Magistrate (Additional Mahila Court), Salem.

For petitioner : Ms.N.Premalatha
For Mr.R.Nalliyappan

For Respondent : Mr.R.Vinoth Raja,
Government Advocate (Crl.Side)

O R D E R

The convicted sole accused is the revision petitioner herein.

2. The respondent herein registered the above case under Section 498 (A) IPC. Subsequent to that the respondent herein filed charge sheet and the same was taken into file in C.C.No.78 of 2013 on the file of the learned Judicial Magistrate (Additional Mahila Court), Salem. The learned Judicial



Magistrate in the judgment dated 26.08.2013 convicted the petitioner herein to undergo one year Rigorous Imprisonment and fine of Rs.1000/- in default 3 months Simple Imprisonment for the offence under Section 498 (A) I.P.C and against the same, the petitioner herein preferred appeal before the learned Principal District and Sessions Judge, Salem in C.A.No.87 of 2013 and in the judgment dated 17.10.2014, the Lower Appellate Court confirmed the sentence imposed by the trial Court.

3. On consideration of oral and documentary evidence, the trial Court has held that the charge under Section 498A is proved accordingly, laid the conviction and sentence as stated supra. On appeal, the learned Principal District Sessions Judge in CrI.A.No.87 of 2013 has confirmed the same and hence the revision.

4. The prosecution examined 12 witnesses and exhibited 6 documents.

5. The accused is the 2nd wife of the father-in-law of the defacto complainant Vijaya, on 16.02.2011 at about 11.30 AM while the defacto complainant Vijaya returning from the ground floor of her residence at the time the accused abused her by saying that she is having illicit intimacy with many other persons and assaulted her then the accused pulled the defacto complainant from the ground floor therefore the defacto complainant attempted to commit suicide by hanging therefore the accused has been charged for offence punishable under Section 498 A I.P.C.

6. Heard the learned counsel for the revision petitioner and the learned Government Advocate (CrI.Side).

7. The defacto complainant as well as the victim in this case namely Vijaya examined as P.W.1, she deposed that she is the resident of Ponnampet Salem and the accused is the 2nd wife of her father-in-law. Both the accused and her family were residing in the house situated at Kuppasamychetti Street, the accused used the ground floor of the house and her family used the first floor. After the demises of her father in law, the accused abused her stating that she had illegal relationship with her father-in-law and insisted her to vacate the house.

8. Dr.A.Senthilkumar was examined as P.W.8 who treated the P.W.1. He could deposed that on 16.12.2011 while he was working at Government Hospital, Salem, has treated (P.W.1) Vijaya and found no external injury, subsequently the said Vijaya went out from the hospital without the advice of the Doctors and had issued Ex.P3 Accident Register.



9. The First Information Report is marked as Ex.P4.

10. On perusal of the evidence of P.W.1 coupled with Ex.P1 complaint, it is seen that the accused is the 2nd wife of the father-in-law of P.W.1 (Vijaya) and the relationship was admitted by the accused. It is alleged that on 16.02.2011 at 11.30 A.M, the accused abused the P.W.1 Vijaya by using filthy language and stating that she had illegal relationship with other persons thereafter the accused pulled P.W.1 from the house therefore P.W.1, due to the mental agony, went to the first floor and attempted to commit suicide. To prove the above said fact the prosecution has examined the victim as well as the defacto complainant as P.W.1 Vijaya. On going through her evidence it could be seen that one year prior to recording of evidence while she went to the ground floor for taking water, the accused abused her and pulled her from the first floor and abused her by saying that she had illicit relationship with her father-in-law and this act of the accused, caused annoyance to her therefore she attempted to commit suicide at 1st floor subsequently she was rescued by one Gokila, Kanchana, her son and other persons thereafter she was taken to the hospital for treatment.

11. The suggestive case of the defence is that after the demise of her husband, the defacto complainant family tried to evict the accused from the house. Therefore, the defacto complainant foisted the case against the accused. The accused is the second wife of the father-in-law of P.W.1. Though P.W.2 son of the defacto complainant is described as hearsay witness in the final report.

12. On proper analysis of evidence of prosecution, both the Courts below have rightly come to the conclusion that evidence of P.W.'s in the witness box are in consonance with the statement given before the Investigation Officer.

13. On a close scanning of the evidence of P.W.2 and P.W.4, I find that P.W.2 rescued P.W.1 and the other ocular witnesses examined by the prosecution namely P.W.4 Gokila, P.W.5 Kanchana, P.W.6 Kumaresh Babu, P.W.7 Jayaraman and P.W.9 Uma Maheshwari have duly corroborated the version of P.W.1 that she made attempt to commit suicide by hanging and her son P.W.2 opened the door and rescued her and subsequently admitted her in the Government Hospital. Thus, the evidence of P.W.1, P.W.2, P.W.5 to P.W.7 are found to be natural and mentally corroborative to each other.

14. Furthermore, on going through the evidence of P.W.8 Doctor as well as the Accident Register Ex.P3, it clearly reveals that there is no external injury found on P.W.1 Vijaya



however on perusal of the evidence of the Doctor he did not opined that without a external injury there is no possibility for attempt to commit suicide. Therefore the Court below can have come to the conclusion that mere absence of the external injury on P.W.1 it cannot be presumed she had not attempted to commit suicide.

15. Thus, this Court finds that on perusal of the evidence of P.W.1, she had in a clear terms stated and deposed that the accused uttered by saying that she (P.W.1) had illegal relationship with father-in-law and the accused abused P.W.1 by using filthy language in the family house and suspected character of P.W.1.

16. Thereafter, P.W.1 went into her room and attempted to commit suicide by hanging and this fact was duly corroborated by other witnesses namely P.W.4 to P.W.7 and P.W.9 that they back open the door and rescued P.W.1. P.W.2 who is the son of P.W.1, categorically deposed about in fact in issue in his evidence. The other prosecution witnesses also supported the evidence of P.W.1. It is seen from the evidence that immediately after P.W.1 hanged, she was rescued by the witnesses, so injuries not found on the neck of P.W.1 and the same is not a ground to doubt the entire case of the prosecution.

17. Though, P.Ws.1 to 7 and P.W.9 were cross examined by the appellant/accused no useful information was gathered in favour of the appellant/accused. Per contra, during the cross-examination of witnesses it was suggested to P.W.s that they not stated the contents of the chief examination in their statements recorded by the Investigation Officer under Section 161 (3) Cr.P.C and the same was denied by them.

18. I have also perused the 161 (3) Cr.P.C. statements of the witnesses and found that all the witnesses had deposed about the action on the part of the appellant/accused with P.W.1. So the arguments of the learned counsel for the appellant/accused is not sustainable and the same is hereby rejected.

19. Hence, in view of the utterance made by the accused and act of the accused which has caused both mentally and physically harassment to the Defacto-complainant, (P.W.1) had committed suicide due to the nature of the words spoken to by the accused [The second wife of the father-in-law of P.W.1] and also her act to defame the character of P.W.1 with their neighbours P.Ws.5 to 7 has compelled the defacto complainant to take the steps to commit suicide by hanging and was rescued and she was admitted in the hospital and hence the absence of any external injury has spoken to by the Doctor cannot construe to create a doubt on the part of the prosecution theory and hence the



concurrent finding of both the Courts below regarding the attempt to commit suicide by P.W.1 due to the act of the accused stands established and the satisfies the criteria of Section 498-A I.P.C which reads as under:-

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."

20. From the evidence of P.W.1 coupled with the evidence of the neighbours the prosecution as to clearly demonstrated with positive evidence as to the serious of the acts committed by the accused both verbally and by physical act in order to construe the harassment within the meaning as mentioned in explanation to under Section 498 A I.P.C.

21. Accordingly, I hold that the conviction laid by the trial Court is hereby sustained.

22. On the point of quantum of sentence, both the parties are heard.

23. Taking note of the age of the accused who is a widow and the nature of the case, I am inclined to reduce the sentence to 3 months. However the fine imposed is kept intact.

24. In the result, this Criminal Revision Petition is allowed-in-part only to a deduction of quantum of sentence as indicated above.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge,
Salem

