



BAIL SLIP

That the Appellant/Accused namely Ramachandiran S/o.Chinnarariyappa was released on bail as per order of this Court dated 12.02.2021 made in CrI.MP.No.1418/2021 in CrI.A.No.60/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.08.2021

PRONOUNCED ON : 12.01.2022

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.A.NO.60 OF 2021

Ramachandiran

... Appellant/Single Accused

Vs.

State Represented by
Inspector of Police,
Denkanikottai Police Station,
Denkanikottai,
Krishnagiri District.

... Respondent/Complainant

PRAYER:

Criminal Appeal filed under Section 374 (2) of the Code of Criminal Procedure, to set aside the judgment of conviction and sentence, dated 11.01.2021, made in S.C.No.45 of 2018 by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri.

For Appellant : Mr.P.Veera Narayanan
for M/s.M.P.Saravanan

For Respondent : Mr.S.Sugendran
Government Advocate, (Criminal Side)



JUDGMENT

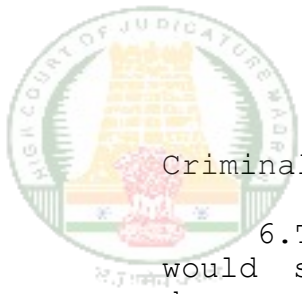
This Criminal Appeal has been filed to set aside the judgment of conviction and sentence imposed on the appellant/accused in S.C.No.45 of 2018, dated 11.01.2021, by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri.

2.The respondent Police has registered a case against the appellant/accused in Crime No.115 of 2011 for the offence under Sections 306 I.P.C. After completing the investigation, the respondent Police filed a charge sheet before the learned Principal District Munsif cum Judicial Magistrate, Denkanikottai. The learned Magistrate has taken the charge sheet on file in P.R.C.No.15 of 2017 and after completing the formalities under Section 207 Cr.P.C., since the offense is exclusively triable by the Court of Session, the case was committed to the Court of Session. After completing the formalities, the Principal Sessions Judge, Krishnagiri taken the case on file in S.C.No.45 of 2018 and the case was made over to the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, since the offence is against the women. The learned Special Judge, after completing the formalities, framed the charge as against the appellant/accused for the offence under Section 306 I.P.C.

3.After framing the charge and completing the formalities, during trial, in order to substantiate the charges, on the side of the prosecution, totally 14 witnesses were examined as P.Ws.1 to 14 and 11 documents were marked as Exs.P.1 to 11 and no material object was marked. After examining all the prosecution witnesses, when the incriminating circumstances culled out from the evidence of prosecution witnesses were put before the appellant/accused, by questioning under section 313 Cr.P.C, he denied the same as false and pleaded not guilty. On the side of the defence, no oral or documentary evidence was produced.

4.On completion of trial, hearing the arguments advanced on either side and considering the materials, the trial Court found the appellant/accused guilty for the offence punishable under Section 306 I.P.C. and convicted and sentenced him to undergo Rigorous Imprisonment for a period of 3 years and to pay a fine of Rs.20,000/-(Rupees Twenty Thousands only) in default, to undergo Rigorous Imprisonment for a further period of 6 months.

5.Challenging the said judgment of conviction and sentence made by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, the appellant/accused has filed the present



Criminal Appeal before this Court.

6.The learned counsel appearing for the appellant/accused would submit that P.Ws.1 to 4 and 8 are relatives of the deceased and they are also interested witnesses. Based on the evidence of relatives, who are interested witnesses, the trial Court has convicted the appellant without any material facts and no independent witness has spoken about the inducement/abetment of the appellant for committing suicide.

7.The learned counsel for the appellant would further add that the deceased is said to have committed suicide by consuming poison. At that time, the appellant was in the work place and she was not residing in the house of the appellant. The husband of the deceased was killed by his relatives and the deceased left to her parental home along with her children and residing there and she has left the place of marital home. The appellant is not responsible for her death. There is no independent witness to show that soon before the death of the deceased, the appellant had caused inducement/abetment to commit suicide. Only the mother of the deceased filed a complaint against the appellant. The accused is only the brother of the deceased's husband and the deceased was not residing in the house of the appellant and therefore, he has been wrongly convicted.

8.He would further submit that the trial Court convicted the appellant based on unworthy and motivated evidence of P.Ws.1 to 4 and 8. P.W.1 is the mother of the deceased; P.W.2 is the second elder sister of the deceased; P.W.3 is the sister's husband of the deceased; P.W.4 is the daughter of the deceased and P.W.8 is the elder sister of the deceased. Though there are allegations against the appellant that the deceased demanded share of her husband from the appellant and the appellant refused to give their share and also threatened her with dire consequences and therefore, she has committed suicide, there is no complaint or panchayat has been initiated by the deceased against the appellant during her life time and only after the death of the deceased, P.W.1 has lodged the complaint.

9.The learned counsel for the appellant also submitted that the F.I.R. is highly doubtful. As per the case of the prosecution, it is alleged that on 29.05.2011, at about 12.15 p.m., when P.W.7 was on duty at the Police Station, P.W.1 appeared before him and lodged a written complaint and based on the same, the respondent police registered the case. But the evidence of P.W.1, the complainant, shattered out the entire prosecution case. In her evidence, P.W.1 deposed that she did not know the content of the complaint and she did not know Tamil and the complaint was written by one Sub-Inspector of Police. Therefore, the prosecution has failed to prove its case beyond



reasonable doubt.

10. Finally, he submitted that except interested witnesses, no independent witness has been examined to prove that soon before committing of suicide by the deceased, the appellant induced her or abetted her to commit suicide. There is no independent witness to show that the deceased approached the appellant, claiming her share and the appellant refused and also threatened her. Therefore, under these circumstances, the trial Court has wrongly come to the conclusion that the prosecution has proved its case beyond all reasonable doubt and simply convicted the appellant based on the interested witnesses. Therefore, the judgment of the trial Court is liable to be set aside and the appeal may be allowed.

11. The learned Government Advocate (Crl. side) appearing for the State would submit that the deceased is the wife of the brother of the appellant and the deceased's husband was killed by his close relatives due to enmity and the deceased with her children was living at the husband's house. Subsequently, since no one was taking care of the deceased and her children, she left to her mother's place. The deceased was taking care of her children and she approached the appellant for the share of her husband and to educate her children and also take care of them, for which, the appellant not only refused to give the share of his brother to the deceased but also threatened her with dire consequences and also scolded her with filthy language and said that if she ask for any share, she will be killed. Since the appellant did not give the share of her husband and she has begotten two children, she felt shy and the appellant also scolded her with filthy language, she went to the work place and consumed poison. Subsequently, she was admitted in the hospital and she died in the hospital and P.W.1, mother of the deceased gave the complaint. P.W.2 is the sister of the deceased; P.W.3 is her sister's husband, P.W.4 is the daughter of the deceased and P.W.8 is also one of the sister of the deceased and they all supported the case of the prosecution. P.Ws.9 and 10 are doctors. P.W.10 is the doctor, who has conducted autopsy and he opined that the deceased consumed poison and due to that she died. Therefore, the evidence of the witnesses and also the medical reports clearly show that the deceased has committed suicide by consuming poison and the appellant has induced and abetted the deceased to go to the extent of consuming poison. Therefore, the prosecution has proved the charge framed against the appellant beyond all reasonable doubts and the trial Court has rightly appreciated the evidence and convicted the appellant/accused. Therefore, the judgment of the trial Court does not warrant any interference by this Court.



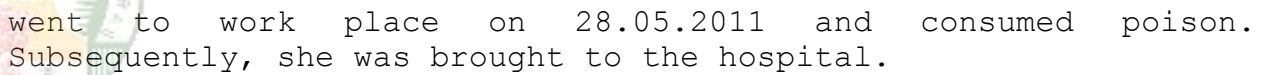
12. Heard Mr. P. Veera Narayanan, learned counsel appearing for the appellant/accused and M. S. Sugendran, learned Government Advocate (Crl. side) appearing for the respondent and perused the records.

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13. The case of the prosecution is that the deceased Sopa was living along with her husband Ramesh and children at Chinnatti Village. The appellant/accused is the elder brother of Ramesh. Ramesh was murdered by his relatives. Thereafter, the deceased was living in her husband's house along with her children. After one year, since no one was taking care of the deceased and her children, she left to her mother's place and she was taking care of the children. On 27.05.2011, at 11.00 a.m., when the deceased went to Chinnatti and approached the appellant for the share of her husband and to educate her children, the appellant not only refused to give the share of his brother to the deceased but also threatened her with dire consequences and also scolded her with filthy language and said that if she ask for any share, she will be killed and asked her to go and die. Humiliated by this, the deceased consumed poison and committed suicide. Hence, P.W.1, mother of the deceased, lodged a complaint before the respondent Police against the appellant/accused.

14. The appellate Court is the final Court of fact finding and it has to re-appreciate the entire evidence and give an independent finding.

15. In order to substantiate the charges framed before the trial court against the appellant/accused, on the side of the prosecution, totally 14 witnesses were examined and 11 documents were marked. Out of the 14 witnesses, P.W.1 is the mother of the deceased and she lodged the complaint and set the law in motion. P.W.2 is the sister of the deceased and one of the daughters of P.W.1. P.W.3 is also a close relative, who is the son-in-law of P.W.1 and husband of one of the sisters of the deceased. P.W.4 is the daughter of the deceased and P.W.8 is one of the sisters of the deceased. They have clearly stated that the husband of the deceased was killed and soon after his death she was living in her husband's house for some time. Since the appellant or his family members have not taken care of them, she left to her mother's house. She used to go to appellant's house and asked for the share of her husband, but it was denied. Since P.W.1 is an old lady and she could not maintain the deceased and her children, the deceased started living separately by doing coolie works and taking care of her children. On 27.05.2011, when she approached the appellant for giving her husband's share, instead of giving her husband's share, he scolded her with filthy language and asked her to go and die and he will not give any property. Humiliated with that and due to mental suffering, she



17. Admittedly, the husband of the deceased was killed. He was no more at the time of occurrence and the deceased approached the appellant and requested him to give her husband's share for their livelihood and also education of her children. Since the appellant not only denied the share of her husband but also humiliated her and scolded her, especially, uttering the word go and die, unable to bear with that and also considering the situation, she decided to consume poison and also consumed poison and died. Therefore, a reading of the evidence and materials on record and re-appreciating the same, this Court is of the view that the appellant has abetted the deceased to commit suicide and the evidence clearly shows that soon before the death of the deceased, the appellant has induced and abetted the deceased to commit suicide. Therefore, this Court is of the view that the appellant has committed the offence under Section 306 I.P.C. and the trial Court has rightly appreciated the entire evidence and sentenced him as stated above and this Court does not find any perversity in the finding of the trial Court and does not see any reason to interfere with the judgment of the trial Court.

18. Therefore, this Court does not find any merit in the appeal and the same is liable to be dismissed. Accordingly, the Criminal Appeal stands dismissed. The bail bonds executed by the appellant stand cancelled. The learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, is directed to issue warrant to secure the Accused, to forward him to Prison to undergo remaining period of sentence. The period of detention already



undergone by the Accused is set off under Section 428 of Code of Criminal Procedure.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sj

To

1. The District Munsif cum Judicial Magistrate,
Denikanikottai.
2. The Sessions Judge,
Fast Track Mahila Court,
Krishnagiri.
3. The Inspector of Police,
Denkanikottai Police Station,
Denkanikottai,
Krishnagiri District.
4. The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To

The Section Officer,
Criminal Section, High Court,
Madras.

CRL.A.No.60 of 2021

MG (CO)
PM/14/02/2022