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Crl.A.No.467 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.A.No.467 of 2018

P.Ramalingam

...

Appellant

Vs

The State

Represented by its

The Inspector of Police,

Pudupattinam Police Station,

Pudupattinam.

...

Respondent.

Prayer: Criminal Appeal filed under Section 374(2) of Code of Criminal Procedure, to set aside the conviction and sentence imposed in S.C.No.152 of 2016 date 13.12.2017 on the file of the Sessions Judge, Fast Track Mahila Court, Nagapattinam.

For Appellant : Mr.P.Pugalenth

For Respondents : Mr.A.Gopinath

Government Advocate (Crl. Side)

ORDER

This Criminal Appeal is directed as against the conviction and sentence imposed in S.C.No.152 of 2016 dated 13.12.2017 on the file of the Sessions Judge, Fast Track Mahila Court, Nagapattinam, thereby convicted the appellant for the offence punishable under Section 304-B of IPC.



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2. The case of the prosecution is that the deceased is the wife of the accused. From the date of their marriage, there was a demand of huge dowry and due to which, the accused harassed her mentally and physically. He also suspected her fidelity. While being so, on 22.04.2016, the brother of the accused stated that a sum of Rs.200/- is not there in the bureau, for which, the deceased asked her husband whether he had taken the amount. During that quarrel, the accused poured kerosene on her and set her on fire. Therefore, she sustained grievous injuries and died on 30.04.2016. Hence, the FIR was registered in Crime No.120 of 2016 for the offence punishable under Section 498A and 302 of IPC.

3. After completion of the investigation, the respondent filed final report for the offence punishable under Sections 498A and 302 of IPC. The Trial Court had taken cognizance in S.C.No.152 of 2016 and framed charges under Sections 498A and 302 of IPC as against the accused.

4. In order to bring home the charges, the prosecution had examined P.Ws.1 to 13 and marked Exs.P1 to P10. On the side of the accused, no one was examined and no document was marked.



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5. On perusal of the oral and documentary evidence, the Trial Court found the petitioner guilty for the offence punishable under Section 304-B of IPC and sentenced him to undergo ten years rigorous imprisonment. Aggrieved by the same, the present appeal.

6. The learned counsel appearing for the appellant submitted that though the appellant raised so many grounds, he restricted his submission with regard to the sentence alone, since the appellant is still under incarceration for the past 6 ½ years i.e., from the date of his arrest, after registration of FIR. He further submit that two children are there and no one is taking care of them. The appellant, being father of the children, is intends to take care of them at least now.

7. A perusal of the records reveals that the appellant is under incarceration from the date of arrest immediately after registration of FIR. That apart, the appellant has two children and they are under custody of his brother. The prosecution categorically proved its case beyond any doubt. The Trial Court rightly convicted the appellant for the offence punishable under Section 304-B of IPC.



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8. Considering the submission made by the learned counsel for the appellant, this Court is inclined to reduce the sentence alone. Accordingly, the conviction imposed on the appellant is hereby confirmed for the offence punishable under Section 304-B of IPC and the sentence imposed on the appellant is reduced from ten years to seven years.

9. In the result, this Criminal Appeal is partly allowed.

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Index : Yes/No
Speaking/Non Speaking order
Lpp

To

1. The Sessions Judge,
Fast Track Mahila Court, Nagapattinam.

2. The Inspector of Police,
Pudupattinam Police Station,
Pudupattinam.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,

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