

BAIL SLIP

The Petitioners/Appellants/Accused namely, 1)Varadharajan S/o.Ramaiyan 2) Ramaiyan S/o.Ramiyan 3)Sangumathi S/o.Ramaiyan aged 42/14, 65/14 and 60/14 respectively were directed to be released on bail as per order of this Court dated 08.07.2014 made in Crl.Mp.No.1 OF 2014 in Crl.Rc.No.618 of 2014 on the file of this Hon'ble Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.R.C.NO.618 OF 2014

1.Varadharajan
2.Ramaiyan
3.Sangumathi

... Petitioners/Appellants/Accused

Vs.

The State rep.by its,
The Inspector of Police,
All Women Police Station,
Ariyalur.(Crime No.9 of 2004)

... Respondent/Respondent/Complainant

Prayer:

Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order passed in Crl.A.No.2 of 2013 dated 27.02.2014 on the file of the Sessions Court, Ariyalur Division, Ariyalur confirming the order passed in C.C.No.496 of 2004 dated 10.06.2013 on the file of the Judicial Magistrate, Ariyalur and set aside the same.

For Petitioners: Mr. V. Illanchezian
For Respondent : Mr. N.S. Sugnathan,
Government Advocate (Crl.Side)

O R D E R

This criminal revision case is filed to call for the records pertaining to the order passed in Crl.A.No.2 of 2013 dated 27.02.2014 on the file of the Sessions Court, Ariyalur Division, Ariyalur confirming the order passed in C.C.No.496 of 2004 dated 10.06.2013 on the file of the Judicial Magistrate, Ariyalur and set aside the same.

2. The petitioners are accused in C.C.No.496 of 2004 on the file of Judicial Magistrate, Ariyalur on the complaint given by one Rani, wife of the first accused/petitioner.

3. The case was registered against these petitioners for the offence under Section 498(A), r/w 4 of Dowry Prohibition Act r/w 34 and 109 IPC.

4. The sum and substance of the complaint is that P.W.1/Rani married first petitioner-Varadharajan in the year 1993. After three years, a female child was born to them. At the time of marriage, her father gave her enough sridhana and they were living peacefully. The said Varadharajan got employment at Singapore and went to Singapore and stayed there for two years, in two spells and returned back to the Village and thereafter, had developed intimacy with the another lady and started torturing P.W.1 along with his parents demanding for more dowry. His parents are arrayed as A2 and A3.

4(i). At one point of time, there was panchayat between them in the presence of elders of the Villagers. But did not yielded any result. Rani was thrown away from the matrimonial home for not meeting out the demand of dowry.

4(ii). With the above allegation, the petitioners went for trial. Prosecution examined 13 witnesses and marked 2 exhibits.

4(iii). The trial Court held the petitioners are guilty of offences under i) Sections 498(A) IPC r/w 109 IPC and ii) Section 4 of Dowry Prohibition Act r/w 109 IPC. They were sentenced them to undergo one year simple imprisonment and to pay a fine of Rs.1,000/- in default to pay the fine, one week simple imprisonment for offence under Section 498(A) r/w 109, for the offence under Section 4 of Dowry Prohibition Act r/w 109 IPC, sentenced them to undergo one year simple imprisonment and fine of Rs.1,000/- in default to pay the fine, one week simple imprisonment. The period of sentence was ordered to run concurrently.

4(iv). Aggrieved by that order of sentence and conviction, the petitioners have preferred appeal before the Sessions Court, Ariyalur.

4(v). Learned Sessions Judge in Criminal Appeal No.2 of 2013, after re-appreciating the evidence has confirmed the judgment of the trial Court, holding that it has covered all the aspects of the case and in total consonance with the evidence on record. Observing that there is no infirmity or conflict in the

judgment of the trial Court, the appellate Court confirmed the same.

5. Being held guilty and convicted by the trial Court and confirmed by the appellate Court, the accused 1 to 3 are before this Court, by way of revision.

6. Learned counsel for the petitioners would submit that the marriage took place in the year 1993 and the complaint given after 11 years which per-se show that there was no cruelty and demand of dowry. Furthermore, none of these petitioners are in need of finance when first petitioner himself has earned through his employment at Singapore and would submit that the statement of P.W.3, the father of the defacto complainant financed the first petitioner for his foreign employment, is not based on any record or evidence. While so, the Courts below ought to have acquitted them and the finding of the appellate Court, confirming the erroneous order required reversal.

7. This Court on perusing the order passed by the Courts below, finds that the prosecution has clearly proved the charge against the first petitioner beyond reasonable doubt. The persons affected have deposed before the Court and their deposition stands unimpeachable. However, what this Court could find from their deposition that their allegations are squarely against the first petitioner, who is the husband of the defacto complainant and only a vague reference is made against the other two petitioners being the parents of the first petitioner. Furthermore, the other independent witnesses also have not attributed any serious allegations against A2 and A3 which will constitute the crime of cruelty.

8. In the said circumstances, the correctness of the order passed by the Courts below, as far as the first petitioner, holds good. Therefore, the sentence imposed on him for the offence under i) Section 498(A), and ii) Section 4 of Dowry Prohibition Act r/w 109 IPC, is confirmed. As far as the second and third petitioners are concerned, for want of reliable evidence, the benefit of doubt is extended to them and acquitted from the charges.

9. In the result, the criminal revision is dismissed against the first petitioner. Petition to set aside the judgment of the trial Court in C.C.No.496 of 2004 as confirmed by the appellate Court in CrI.A.No.2 of 2013, is allowed in respect of A2 and A3. Fine amount, if any paid shall be refunded to the petitioners/A2 and A3. The bail bonds executed by them, stands cancelled. The trial Court shall secure the first accused and remand him in prison to undergo the remaining period of sentence, if any.

10. Accordingly, this criminal revision case is partly allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

1. The Principal Sessions Judge, Ariyalur Division, Ariyalur.
2. The Judicial Magistrate, Ariyalur.
3. The Chief Judicial Magistrate, Ariyalur.
4. The Inspector of Police,
All Women Police Station,
Ariyalur.
5. The Public Prosecutor,
High Court of Madras.

Cr1.R.C.No.618 of 2014

SR(CO)
PM/15/07/2022