



WEB COPY



Crl.A.Nos.835 & 837 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM : **JUSTICE N.SESHASAYEE**

Crl.A.Nos.835 & 837 of 2016

1.Abraham
2.Princy Beaula

... Appellant in Crl.A.835/2016 /A1
... Appellant in Crl.A.837/2016 /A2

Vs.

The State rep. By
The Inspector of Police
R6 Kumaran Nagar Police Station
Chennai.

... Respondent in both Crl.Appeals

Common Prayer: Criminal Appeals filed under Section 374(2) Cr.P.C., to allow the above appeals and to set aside the conviction and sentence imposed by the learned Sessions Judge, Mahalir Neethimandram, Chennai in S.C.No.222 of 2008 dated 30.11.2016.

For Appellant : Mr.M.Soundar Vijay Arul Ram
in Crl.A.835/2016 for Mr.R.C.Paul Kanagaraj

For Appellant : Ms.Lakshmi
in Crl.A.837/2016 for Mr.R.Balaji Singh

For Respondent : Mr.K.M.D.Muhilan
Assisted by Ms.J.R.Archana



Crl.A.Nos.835 & 837 of 2016

WEB COPY

COMMON JUDGMENT

These appeals are directed against the conviction of the appellants for offences U/s.498A I.P.C against A1, and U/s.306 I.P.C. as against A1 and A2 and also the sentence imposed on them by the trial Court in S.C.No.222 of 2008, on the file of the learned Sessions Judge, Mahalir Neethimandram, Chennai. The details are as below :

<i>Accused</i>	<i>Charges framed</i>	<i>Sentence imposed</i>
A1	U/s.498A & 306 I.P.C	3 years R.I. along with a fine of Rs.3,000/-, in default to undergo 3 months R.I.
A1 & A2	U/s.306 I.P.C.	3 years R.I. along with a fine of Rs.5,000/-, in default to undergo 4 months R.I.

2. The case of the prosecution runs as below :

- a) A certain Viji Hendry Lawanya, aged only 25 years as on 01.08.2007, committed suicide by hanging at her matrimonial house, barely a year after her marriage.
- b) It was at 4.30 p.m. in the evening Viji Hendry Lawanya was found



WEB COPY

hanging in her house. So the Investigating Agency was informed and

they registered a case in Crime No.2086 of 2007, U/s.174(3) Cr.P.C.

Later it was altered to Section 306 I.P.C. In the course of the

investigation, the investigator has seized three suicide notes, Exts.P14

to P16 all written by the deceased Lawanya in her hand, of which

Ext.P14 and Ext.P16 were dateless and Ext.P15 was dated 01.08.2007,

the very date on which she committed suicide. In terms of the suicide

notes, both dated and undated, Viji Hendry Lawanya firmly believed

that her husband, the 1st accused in this case had an illicit relationship

with her cousin A2.

c) Since Viji Hendry Lawanya had committed suicide within about two years from the date of her marriage, P.W.8, RDO conducted an inquest and came out with his Ext.P9, Report. The report does not indicate any demand for dowry

d) After completing his investigation P.W.11 laid the final report and the investigator believed that in his assessment of the materials gathered during investigation, the appellants herein have committed a crime U/s.306 I.P.C. The basis therefore was Lawanya's strong suspicion or belief about her husband's relationship with A2.



WEB COPY

3. While framing charges, the trial Court deemed it appropriate to frame charges under U/s.498A I.P.C along with Section 306 I.P.C, and proceeded to try the accused persons. During trial, the prosecution examined P.W.1 to P.W.11 on its side, and marked Ext.P1 to Ext.P17 besides it also marked M.O.1. After appreciating the evidence before it, the trial Court came to the conclusion that the accused persons are guilty of the offences of which they were charged and convicted and sentenced them as outlined in the opening paragraph. This judgment is now under challenge.

4. Heard both sides. The only evidence which the prosecution has been able to provide the Court are Ext.P14 to Ext.P16, all of which are the suicide notes of Lawanya. And as earlier stated, these documents only speak about certain perceived relationship which her husband A1 was believed to have had with A2. The truth of the perception apart, even if the victim's assessment about her husband's conduct is presumed to be true, yet the husband having a relationship with another women cannot constitute cruelty under Sec.498A IPC. It may be that such extra-marital relationship may amount to mental agony in a



Crl.A.Nos.835 & 837 of 2016

proceedings for dissolution of marriage, yet it is far too inadequate to hold that the husband has treated his wife with cruelty under Sec.498A IPC. So far as the charge of abetment to suicide is concerned, it is a positive act, and Exts.P14 to P16 are far too inadequate to convict the appellants.

5. It appears Lawanya has been far too sensitive to what she believed vis-a-vis her husband's relationship with A2. The materials made available by the prosecution are far too inadequate to arrive at a conclusion that the appellants are guilty of charges.

6. To conclude, both the appeals are allowed and judgment of the learned Sessions Judge, Mahalir Neethimandram, Chennai in S.C.No.222 of 2008 dated 30.11.2016, convicting and sentencing the appellants is set aside. The appellants are acquitted and the bail bond if any executed by the appellants shall stand cancelled.

20.12.2024

kas/ds

Index : Yes / No

Neutral Citation : Yes/No



WEB COPY



Crl.A.Nos.835 & 837 of 2016

N.SESHASAYEE, J.

ds

To:

- 1.The Inspector of Police
R6 Kumaran Nagar Police Station
Chennai.
- 2.The Public Prosecutor
High Court, Chennai.

Crl.A.Nos.835 & 837 of 2016

20.12.2024