

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.11.2025

PRONOUNCED ON : 02.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.1164 of 2022 and
Crl.M.P.No.4354 of 2023

S.Muruganantham

... Appellant

Vs.

1.State rep by
Inspector of Police,
Tiruppur Rural Veera Pandi Police Station,
Tiruppur District.

2.P.Vishwalingam

... Respondents

[R2 is impleaded as per order of this
Court dated 17.04.2023 in
Crl.M.P.No.4950 of 2023 in
Crl.A.No.1164 of 2022.]

PRAYER: Criminal Appeal is filed under Section 374 of Code of Criminal
Procedure, to set aside the conviction order passed by the learned Principal
Sessions Judge at Tiruppur in Spl S.C.No.06/2015 dated 02.09.2021.

For Appellant : Mr.M.Mohamed Saifulla
For R1 : Ms.J.R.Archana,
Government Advocate (Crl. Side) assisted by

For R2 : Ms.Harshana.T
Mr.K.Sudhakar

JUDGMENT

Challenging the impugned judgment dated 02.09.2021 in Special S.C.No.6 of 2015 passed by the learned Principal Sessions Judge, Tiruppur (trial Court), this Criminal Appeal is filed by the appellant.

2.The conviction and sentence of the trial Court imposed against the appellant are as follows:

For offence under Section 306 IPC, the appellant sentenced to undergo Rigorous Imprisonment for ten years and to pay a fine of Rs.1,000/- in default to undergo one year Simple Imprisonment.

For offence under Section 498(A) IPC, the appellant sentenced to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.1,000/- in default to undergo one month Simple Imprisonment.

For offence under Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014, the appellant sentenced to undergo Rigorous Imprisonment for ten years and to pay a fine of Rs.1,000/- in default to undergo one year Simple Imprisonment.

3.Since no one represented on behalf of appellant, this Court directed the appellant to be produced through virtual mode and the appellant submitted that he does not know the reason for earlier Advocate's non appearance and

requested for appointment of Legal Aid Counsel. Hence, this Court by order dated 16.10.2025 appointed Mr.Mohamed Saifulla as Legal Aid Counsel for the appellant.

4.Gist of the prosecution case is as follows:

(i)The deceased Vidhya and appellant are spouses. The 2nd respondent/defacto complainant/PW1 and PW5 are father and brother of the deceased. The deceased belongs to Hindu-Paraiyar community which comes under Scheduled Caste and appellant belongs to Hindu-Kammalar community which comes under Backward Class. Two years prior to the fateful day (27.11.2013), the deceased, who was studying B.A., English 1st Year in Venkateshwara College, Peravurani, developed love affair with the appellant, a Carpenter, hails from Perumagalur village. Both the appellant and deceased eloped, got married and living as husband and wife in Tiruppur, one year after the marriage, blessed with a girl baby named Visalakshi. After the elopement, PW1 lodged a complaint but not further pursued the complaint. Later when the deceased was pregnant, admitted for delivery, the same informed to PW1. PW1 and his wife came to Tiruppur Government Hospital, enquired their daughter, who informed that the deceased was constantly harassed and

humiliated by the appellant and the appellant consumed daily, abused and discriminated her by calling her caste name.

(ii) On 26.11.2013, PW1 received information that his daughter/deceased was self-immolated and taking treatment in Government Hospital, Tiruppur. Immediately, PW1 and his wife rushed to the hospital and saw their daughter in a burnt stage. On the same day, at 09.00 p.m., PW1 went to the respondent Police Station and lodged a complaint (Ex.P1). PW9, Inspector of Police received the complaint (Ex.P1), registered FIR (Ex.P5) in Crime No.795 of 2013 for offence under Section 498(A) IPC and Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the appellant at 10.00 p.m. Since the offence involved under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Deputy Commissioner of Police, Tiruppur City by proceedings (Ex.P8) dated 28.11.2013 authorized the Assistant Commissioner of Police, Tiruppur South Range, Tiruppur City/PW12 to conduct investigation.

(iii) On getting authorization, PW12 took up investigation, visited the scene of occurrence, prepared Observation Mahazar (Ex.P2), Rough Sketch (Ex.P12), seized the material objects (MO1 to MO4) under the cover of Seizure Mahazar (Ex.P3), examined the neighbours/eye witnesses viz., PW2,

PW3, PW6 & PW7 and found that on 27.11.2013 at 07.00 a.m, the appellant picked up fight with the deceased, abused and insulted her by calling her caste name. Unable to bear any further, the deceased went inside the house, locked the door from inside, soon black smoke emanated, neighbours broke open the roof tiles, poured water, doused the fire, thereafter, broke open the door, found the deceased in a burnt stage, immediately ambulance called, the deceased and appellant sent to Government Hospital, Tiruppur. PW13, Casualty Doctor admitted, enquired the deceased, who informed that she self-immolated, and was found with 100% burn injuries and admitted for further treatment and issued Accident Register (Ex.P12). In the meanwhile, the appellant arrested on 29.11.2013 and investigation continued. On 05.12.2013 PW12 getting information that the deceased succumbed to burn injuries, altered the Sections, conducted inquest on the body of the deceased and sent the body for postmortem. PW10, Postmortem Doctor confirmed the death that “*The deceased would have died of septicemia due to burn injuries*”. The community certificates (Exs.P4 & P8) of PW1 and the appellant collected from the revenue officials (PW8 & PW12), further collected material objects (MO1 to MO4) sent to the Court under Form-91 (Ex.P10), investigation concluded and charge sheet filed for offence under Sections 498(A) & 306 IPC and Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Amendment Ordinance, 2014.

(iv) During trial, on the side of the prosecution, PW1 to PW13 examined and Exs.P1 to P12 marked and MO1 to MO4 produced. On the side of the defence, no witness examined and no document marked. On conclusion of trial, the trial Court convicted the appellant as stated above.

5. Learned counsel for the appellant submitted that in this case, the appellant and his wife/deceased were in love affair for quite sometime. Since there was opposition in their family, both of them eloped, got married, one year thereafter blessed with a girl baby Visalakshi. Two years after the elopement and marriage, the deceased for a domestic dispute in a spur of a moment, self-immolated. Since the parents and family members of the deceased were not happy with the love affair and marriage between appellant and deceased, a false case projected against the appellant as though he is a alcoholic and used to abuse and insult the deceased citing her caste and community. He further submitted that PW1 & PW5, father and brother of the deceased admit that after elopement they had not further pursued the complaint and not taken any steps to search the deceased. They further admit that after elopement and marriage, the appellant and deceased got married, living in

Tiruppur and they were blessed with a girl baby. The deceased was in contact with her parents and she sent baby's first birthday photos to her parents, PW1 admits the same. But now alleges as though in the photos, the appellant covered his face. During delivery of baby in Government Hospital, Tiruppur, the parents of the deceased came there and the mother of the deceased was staying with the appellant and deceased for three months after delivery. Till self-immolation of deceased, neither PW1 nor PW5 or any of her family members made any complaint of abuse, assault, more particularly, calling the caste name and insulting her. It is admitted by the witnesses that the appellant only called the ambulance and rushed his wife for immediate treatment to the hospital. PW13, Casualty Doctor confirms the same and recorded in Accident Register (Ex.P12). The appellant through and through was besides his wife and taken all steps to save his wife, she slowly recovered, but unfortunately, due to medical complications and the development of septicemia, she passed away on 05.12.2013, thereafter, everything turned against the appellant.

6.Learned counsel further submitted that it is a love affair between the appellant and deceased, after elopement, they independently sustained themselves leading happy marriage life without any support from either parents. With regard to other allegation that the appellant was an alcoholic

person and married twice earlier, no evidence or material produced. This would prove that to take revenge after the death of deceased, a new theory propounded and the appellant falsely implicated by the family members of the deceased. The reason for the death is that the deceased was suffering from epilepsy and also affected with brain disease. Further, she was suffering from pain and mental depression and in a fit of rage, self-immolated. Since the family members of the deceased had animus against the appellant, taking advantage of the death of the deceased, they forced the neighbours (PW2 & PW3) to depose against the appellant as though the appellant and deceased were always having fight especially on the fateful day and the appellant is the reason for the deceased to take such extreme step of self-immolation.

7.He further submitted that in this case, the conviction of the appellant for offence under Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014 is not proper and sustainable since the Ordinance to Amend Section 3(2)(va) of the Act came into statute only on 04.03.2014. But the offence in this case is of the year 2013. For this point, the learned counsel for the appellant produced the Gazetted Notification No.1 of 2014 dated 04.03.2014.

8.For the point that PW1 though states that his daughter informed the

sufferings and cruelty at the hands of the appellant, it is a later development; the deceased was taking treatment as inpatient from 27.11.2013 till her death on 05.12.2023 for nine days, no statement of the deceased recorded by the Police and no Doctor certified that she was in a fit state of mind to give such statement and no steps taken to record dying declaration, the learned counsel for the appellant relied on the decision of Hon'ble Apex Court in ***Surinder Kumar v. State of Haryana*** reported in ***(2011) 10 SCC 173*** wherein held that acceptability of dying declaration have been drawn and the dying declaration cannot form sole basis of conviction unless it is corroborated. The rule requiring corroboration is merely a rule of prudence.

9.Learned Government Advocate (Crl. Side) appearing for the 1st respondent Police submitted that appellant and deceased were in love affair when the deceased was going to college studying B.A., English 1st Year in Venkateshwara College, Peravurani. The deceased/daughter of PW1 belongs to Hindu-Paraiyar community which comes under Scheduled Caste and the appellant belongs to Hindu-Kammalar community which comes under Backward Class. The deceased used to go college in a private bus, during the travel, the appellant slowly developed a relationship with her. The appellant is a Carpenter, both had love affair. Since there was opposition for the love

affair, the appellant and deceased eloped, got married and living in Tiruppur, one year after the marriage, they were blessed with a girl baby named Visalakshi. Two years after the elopement, on 27.11.2013 the deceased committed suicide by self-immolation.

10. She further submitted that PW2 took a house on lease and sublet it to tenants. The appellant and deceased were living in one portion as tenant for more than a year at Karupusamy Compound, Mookambigai Nagar, Tiruppur. On 27.11.2013 at 07.00 a.m., the deceased and appellant were fighting inside the house, then came out and continued their fight. PW2 intervened, enquired the reason for the fight, at that time, the deceased informed that the appellant used to abuse and insult her by calling her caste name since she belongs to Hindu-Paraiyar, a Scheduled Caste community. The deceased questioned back her husband that why he still had casteist fury towards her despite their love affair, elopement, living together for two years as husband and wife and even having a child. This fight abetted her to take the extreme step, thus, in a fit of rage, the deceased went inside the house, locked the door from inside, within five minutes black smoke emanated, the locked door could not be opened, thereafter, with the help of neighbours, the roof tiles removed, water poured, fire doused, thereafter, the door broke opened and the deceased was rushed to

the Government Hospital, Tiruppur. Nine days thereafter on 05.12.2013, the deceased succumbed to burn injuries. In the meanwhile, PW1, father of the deceased was informed who with his wife rushed from Peravurani to Government Hospital, Tiruppur, saw their daughter in a burnt condition, thereafter, PW1 lodged a complaint (Ex.P1) to PW9 who registered FIR (Ex.P5). Finding that there are specific allegations under SC/ST Act, PW9 informed the Deputy Commissioner of Police, Tiruppur City, who authorized PW12 to investigate the case and Ex.P8 is the authorization. PW12 thereafter visited the scene of occurrence, prepared Observation Mahazar (Ex.P2), Rough Sketch (Ex.P9) in presence of PW4 and another witness, collected the articles (MO1 to MO4) present in the scene of occurrence under the cover of Seizure Mahazar (Ex.P3) and sent the seized articles to the Court under Form-91 (Ex.P10). PW12 further examined the neighbours/eye witnesses namely PW2, PW3, PW5 & PW7 and also PW1 & PW5, father and brother of the deceased and recorded their statements. The accused was arrested on 29.11.2013 and produced for remand. On 05.12.2013, the death intimation received from the hospital, Sections altered, thereafter in presence of witnesses, inquest conducted, body sent for postmortem. PW10, Postmortem Doctor conducted autopsy and gave autopsy report (Ex.P6) confirming that "*The deceased would have died of septicemia due to burn injuries*". PW13, Casualty Doctor who

admitted the deceased, examined and Accident Register (Ex.P12) collected. Thereafter, the community certificates (Exs.P4 & P7) of PW1 and appellant collected from the revenue officials (PW8 & PW12). On conclusion of investigation, charge sheet filed before the trial Court. During trial, PW1 to PW13 examined and Exs.P1 to 12 marked and material objects (MO1 to MO4) produced. The trial Court on proper analysis of evidence and material, had rightly convicted the appellant. Hence, he prayed for dismissal of the appeal.

11.Learned counsel for the 2nd respondent/defacto complainant submitted that in this case, the deceased/daughter of the 2nd respondent/PW1 belongs to Hindu-Paraiyar, a Scheduled Caste community, is proved by the evidence of PW1, PW5 and PW8 and community certificate (Ex.P4). The deceased was a 1st Year college student studying B.A., English in Venkateshwara College, Peravurani and she used to go college in a private bus. During the travel, the appellant, a Carpenter, developed friendship with deceased. The appellant belongs to Hindu-Kammalar, a Backward Class community is proved by PW12 and the community certificate Ex.P7. He further submitted that when the deceased attending college, the appellant developed love affair in the bus and enticed her, both eloped. The deceased discontinued her studies, both of them got married, started living in Tiruppur.

One year after elopement, a girl baby named Visalakshi born to them. The appellant ensured that his wife neither had contacts with her family members nor with his parents and she was kept in isolation. During pregnancy when the deceased was admitted in the Government Hospital, Tiruppur, her parents were informed. PW1 and his wife went to the hospital, the deceased's mother took care of her daughter and bay even till three months after the delivery. At that time, the deceased informed about the appellant's behaviour, conduct and alcoholism, and also informed that her husband had previously married twice which she came to know only at a later point of time. Added to it, the appellant constantly abused and assaulted her and discriminated her, citing her caste and community. On 27.11.2013, a message received about self-immolation of his daughter, thereafter, PW1 rushed to the Government Hospital, Tiruppur and saw her daughter in a burnt condition and lodged a complaint (Ex.P1) to PW9, Inspector of Police at 09.00 p.m. In this case, the parents of the deceased were besides throughout her treatment period *i.e.*, from 27.11.2013 to 05.12.2013. At that time, the deceased informed her parents about the appellant's behaviour, conduct and discrimination. Further, the deceased insisted her mother that the girl baby Visalakshi should be taken by them to bring up, otherwise, the appellant would kill the baby.

12.Learned counsel further submitted that on the fateful day, the appellant abused and insulted the deceased in public, by calling her caste name, witnessed by PW2, PW3, PW6 & PW7. The death was due to self-immolation which is proximate due to the intense fight and verbal abuse by the appellant. PW13, Casualty Doctor confirmed the burn injuries at the time of admission and PW10, Postmortem Doctor confirmed the death due to burn injuries. The trial Court finding that the appellant subjected the deceased to cruelty and further abused and discriminated her calling her caste name and humiliated, was the proximate cause for her self-immolation and rightly convicted him. Hence, the appeal to be dismissed.

13.This Court considered the rival submissions and perused the materials available on record.

14.In this case, the deceased, wife of the appellant and daughter of PW1 belongs to Hindu-Paraiyar community which comes under Scheduled Caste and the appellant, a Carpenter, belongs to Hindu-Kammalar community which comes under Backward Class, which are confirmed by PW8 by Ex.P4 and PW7 by PW12. The deceased was a college student studying B.A., English 1st Year in Venkateshwara College, Peravurani and she was regularly going to

college in a private bus. During the travel, love affair developed between the appellant and deceased. Due to resistance, both of them eloped started living in Tiruppur in a rental house of PW2. One year after the elopement, they were blessed with a girl baby Visalakshi. During the delivery, the parents of the deceased, PW1 and his wife, came to Tiruppur Government Hospital, took care of their daughter. For three months after delivery, the PW1's wife was staying with the appellant and deceased and taken care of the girl baby and deceased. Even the baby's first year birthday photographs shared by the deceased to her parents. PW1, father of the deceased in his complaint (Ex.P1) and deposition stated that the appellant mentioned his name as Karthik in the medical records when his daughter was admitted for delivery and only after PW1's request, corrected the name from Karthik to S.Muruganantham (appellant). He further stated that even in the photographs of baby's first birthday, the appellant covered his face, thus the appellant was consciously not willing to publicly acknowledge the relationship with the deceased as wife and ensured no records available to show the appellant married the deceased. PW1's further complaint is that before the marriage with his daughter, the appellant had married twice, which was informed by his daughter when she was in the hospital between the period 27.11.2013 and 05.12.2013.

15.PW13/Casualty Doctor confirmed issuance of Accident Register (Ex.P12) recording that the deceased was conscious and in a communicating state, informed the happenings. It is also recorded that the appellant accompanied the deceased to the hospital. The appellant accompanied the deceased to the hospital is spoken by the neighbours (PW2 & PW3) and his presence in the hospital is confirmed by PW1 and PW5. The appellant's act of taking his wife to the hospital and staying with her there do not atomically exonerate from abetment. Likewise, PW1's exaggerated and improvised version not supported by the Doctor/PW13 or Investigating Officer/PW12 to show that the deceased was in a position to talk and communicate after admission till her death on 05.12.2013.

16.In burn cases, the deterioration of patient's health condition develops gradually, moreover, heavy painkillers and tranquilizers are immediately administered in all such cases. Hence, PW1's evidence with regard to appellant's past conduct said to have been disclosed by his daughter, cannot be considered in the absence of any corroborative materials. But in this case, PW2, house owner confirms that on 27.11.2013 at 07.00 a.m, she found both appellant and deceased fighting inside the house, later came out to the entrance and continued their fight, at that time, PW2 intervened, pacified and enquired

the deceased the reason for fight, the deceased informed the appellant citing her caste and community, abused, insulted and subjected her to cruelty. The deceased reasoned out to the appellant stating that after the marriage they were blessed with a girl baby and for the past two years, living as husband and wife, at that time, this caste and community not seen as an obstacle, further why appellant hesitating to take her to his parents' house and not treated her as an equal partner.

17.PW3, another neighbour confirmed the fight between appellant and deceased on 27.11.2013, the deceased closing the door from inside, setting herself fire, breaking open the roof tiles, dousing the fire pouring water, then breaking the door, rescuing her and taking her to the hospital. PW6, another neighbour confirmed using of prohibited abusive words and also physically assaulting the deceased by the appellant. PW7, another neighbour heard the fight between the appellant and deceased soon before self-immolation on 27.11.2013. Thus, apart from the evidence of PW1 and PW5, father and brother of the deceased, the neighbours (PW2, PW3, PW6 & PW7) independently confirmed the fight at 07.00 a.m. on 27.11.2013 between the appellant and deceased and the appellant using prohibited abusive words calling her caste name. The appellant intentionally insulted the deceased with

intent to humiliate her in the public view which is the immediate and proximate cause for the victim to commit suicide by self-immolation.

18.PW13, Casualty Doctor admitted the deceased and confirmed self-immolation and the reason for self-immolation narrated by the witnesses and the burn injuries recorded in the Accident Register (Ex.P12). Nine days after self-immolation, the deceased died due to burn injuries. PW10, Postmortem Doctor in his report (Ex.P6) confirms the reason for death that “*The deceased would have died of septicemia due to burn injuries*”. Though there is a recording of septicemia, the same not questioned with the Doctor/PW10. In fact PW10 not cross examined by the appellant, hence, the reason and cause of death is burn injuries sustained due to self-immolation.

19.PW11 is the Inspector of Police who received the complaint (Ex.P1) from PW1 and registered FIR (Ex.P5), thereafter, the Deputy Commissioner of Police, Tiruppur Range authorized PW12, Assistant Commissioner of Police to conduct investigation. During investigation, MO1 to MO4 seized from the scene of occurrence which is confirmed by the evidence of PW4 and Ex.P3, the same sent to the Court through Ex.P10 Form-91.

20.Thus, the prosecution produced all the evidence and materials before

the trial Court and all the witnesses supported the case of the prosecution. Though a detailed cross examination done by the appellant, but nothing could be elicited or culled out by the appellant in his favour. Dehors the evidence of PW1 & PW5, the immediate cause for the death by self-immolation is confirmed by the neighbours (PW2, PW3, PW6 & PW7) and the death is also confirmed by the medical evidence viz., PW10, PW13 and Exs.P6 & P12. Thus, it is proved that the self-immolation of the deceased is consequence of abetment of the appellant. ***Hence, the conviction for offence under Section 306 IPC is confirmed.*** Since the appellant accompanied the deceased for taking her to the hospital and staying there throughout the treatment is confirmed by PW1, PW2, PW3 & PW5, further the appellant has shown good conduct, now working in the agriculture field in the open prison, ***this Court modifies the sentence for offence under Section 306 IPC from ten years to five years.***

21.As regards the conviction of the appellant for offence under Section 498A IPC is concerned, the neighbours (PW2, PW3, PW6 & PW7) stated that on the fateful day on 27.11.2013, the deceased was constantly harassed and subjected her to cruelty by the appellant that could drive her to commit suicide by self-immolation. Added to it, the deceased during the period between

27.11.2013 and 05.12.2013 informed her father/PW1 and mother about she was being subjected to cruelty and harassment at the hands of the appellant in the matrimonial home. ***Hence, the conviction and sentence of three years for offence under Section 498A IPC is confirmed.***

22.With regard to conviction and sentence for offence under Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014, the offence committed is of the year 2013, but the Amendment to Section 3 of Principal Act in sub-Section (2) came into statute only on 04.03.2014, hence, the appellant's conviction and sentence for offence under Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014 is hereby set aside. Instead, the appellant is convicted on analogous provision under Section 3(1) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced to undergo five years imprisonment. All the sentences to run concurrently.

23.With the above modifications, this Criminal Appeal stands disposed of. The appellant is directed to be released forthwith unless his presence is not required in any other case or proceedings. Consequently, connected Criminal

Miscellaneous Petition is closed.

24.This Court appreciates Mr.M.Mohamed Saifulla, Legal Aid Counsel for the appellant for his meticulous arguments.

02.12.2025

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

vv2

Note: Issue Order Copy on 02.12.2025.

To

- 1.The Principal Sessions Judge,
Tiruppur.
- 2.The Superintendent,
Central Prison, Coimbatore.
- 3.The Inspector of Police,
Tiruppur Rural Veera Pandi Police Station,
Tiruppur District.
- 4.The Public Prosecutor,
Madras High Court.

M.NIRMAL KUMAR, J.

PRE-DELIVERY JUDGMENT IN
Crl.A.No.1164 of 2022

02.12.2025