



Crl.A.No.573 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 10.06.2025

CORAM

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

Crl.A.No.573 of 2025
and Crl.M.P.No.10495 of 2025

A.Ashokan
S/o. Aadhi
No.76, Kaliamman Koil Street,
Kadaiveethi Road,
Mohanur,
Namakkal District.

..... Appellant / Accused

Vs

The Inspector of Police,
Mohanur Police Station,
Namakkal.
(Crime No.236 of 2019)

..... Respondent / Complainant

Prayer: Criminal Appeal filed under Section 374 of Criminal Procedure Code, to set aside the conviction and sentence imposed on the appellant through the judgment of the learned Sessions Judge, (Fast Track Mahila), Namakkal dated 16.04.2021 passed in Sessions Case No.5 of 2021.

For Appellant : Mr.T.V.Sai Srujan

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

JUDGMENT



This appeal has been preferred as against the order passed in S.C.No.5/2021 dated 16.04.2021 on the file of the learned Sessions Judge, Fast Track Mahila, Namakkal, thereby convicting the appellant for the offences under Section 498A, 506(ii), 436 IPC.

2. The case of the prosecution is that the appellant is the husband of the *de facto* complainant. The *de facto* complainant was the sole earning member of the family, while the appellant was unemployed and habitually consumed alcohol and used to often torture the *de facto* complainant. While being so on 04.06.2019 at about 1.00 p.m. when the appellant demanded money from the *de facto* complainant for drinking alcohol, the *de facto* complainant refused to give. Hence, the appellant slapped her and also scolded her with filthy language. It is alleged that the appellant had poured kerosene on the wooden door of the house and set fire thereby caused damage to the door. On the complaint, the respondent registered FIR in Cr.No.236 of 2019 for the offences punishable under Section 294(b), 323, 436, 506(i) IPC. After completion of investigation, the charges are altered to Section 498 (A), 436, 506(i) IPC, and final report has been filed and the same has been taken cognizance by the trial Court.



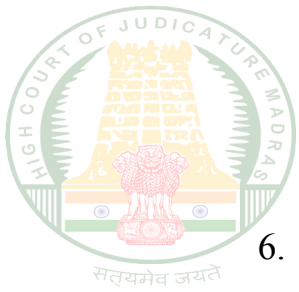
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3. On the side of the prosecution they had examined P.W.1 to P.W.7 and marked Exs.P1 to P7. On the side of the appellant no one was examined and no document was marked.

4. On perusal of the oral and documentary evidence the trial Court found the appellant guilty for the offence punishable under Section 498A, 506(ii), 436 IPC and sentenced him to undergo three years of Rigorous Imprisonment and also imposed a fine of Rs.1,000/- in default of payment to undergo six months of Simple Imprisonment for the offence punishable under Section 498(A) IPC, to undergo three years rigorous imprisonment under Section 506(ii) IPC and to undergo ten years rigorous imprisonment and to pay a fine of Rs.1000/- in default of payment of fine to undergo six months simple imprisonment under Section 436 IPC.

5. Mr.T.V.Sai Srujan, the learned counsel for the appellant, would submit that the petitioner is in incarceration for a period of nearly 4 1/2 years. So far the sentence of the appellant is not suspended by this Court.



6. The *de facto* complainant was examined as P.W.1. On perusal of the deposition of P.W.1 reveals that on the date of occurrence, the appellant demanded money to consume liquor. When P.W.1 refused to give money, the appellant slapped her and also abused her in filthy language. Therefore P.W.1 went inside and locked the door. Immediately the appellant poured kerosene on the wooden door of the house and set fire with an intention to kill the *de facto* complainant. Immediately the neighbors came to her house and rescued her by pouring water on the fire. Therefore, the prosecution proved all the charges beyond any doubt and the trial Court has rightly convicted the appellant. Therefore, this Court is not inclined to interfere with the conviction passed by the trial Court. However considering the above facts and circumstances of the case, this Court is inclined to reduce the sentence alone for the offence punishable under Section 436 IPC. So far the petitioner is in incarceration for more than 4 1/2 years. Therefore the sentence imposed for the offence punishable under Section 436 IPC alone is reduced for the period undergone by the appellant.



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7. In the result, the Criminal Appeal is partly allowed and the conviction imposed on the petitioner dated 16.04.2021 made in S.C.No.5/2020 on the file of the learned Sessions Judge, Fast Track Mahila, Namakkal, is hereby confirmed. However, the sentence imposed for the offence punishable under Section 436 IPC alone is reduced for the period undergone by the appellant. Further, the period of remand already undergone by the petitioner if any, is ordered to be set off against the sentences imposed. The appellant is directed to be set at liberty forthwith. In view of the same, the connected miscellaneous petition is closed.

10.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
bkn

To

1.The Sessions Judge, Fast Track Mahila, Namakkal

2.The Inspector of Police,
Mohanur Police Station,
Namakkal.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

4. The Superintendent, Central Prison, Coimbatore.



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G.K.ILANTHIRAIYAN, J.

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