



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserved	23/09/2025
Date of Pronounced	25/10/2025

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI**

Crl.A(MD)No.41 of 2022

Maheshkumar : Appellant/1st Accused
Vs.

State rep. By
The Deputy Superintendent of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.89 of 2021)

: Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374(2) of the Code of the Criminal Procedure, against the judgment of conviction and sentence of imprisonment imposed by the learned Sessions Judge, Mahalir Neethimandram, Madurai, in SC No.69 of 2015, dated 28/12/2021.

For Appellant : Mr.M.Karunanithi

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



JUDGMENT

(Judgment of the Court was made by the Hon'ble **P.VELMURUGAN J.**)

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This criminal appeal is filed against the judgment of conviction and sentence passed by the learned Sessions Judge, Mahalir Neethimandram, Madurai, in SC No.69 of 2015, dated 28/12/2021 and consequently to acquit the appellant.

2.The case of the prosecution is that the marriage between the first accused and the deceased was solemnized on 13/12/2009. At the time of marriage, 20 sovereigns of gold jewels, one sovereign ring and household articles were given by the parents of the deceased as sreedhana. After the marriage, the deceased was working as Assistant Professor in Senthilkumar Nadar College, Virudhunagar and A1 was working as Lecturer in SACS MAVMM College, Kidaripatti. Both A1 and the deceased were residing at Chinnamani Street, Thirumangalam. A1 is having the habit of consuming alcohol, demanding cash and jewels quite often from his wife to get it from her father and thereby, A1 tortured his wife. A2 and A5, who are the parents, sisters and brother of the appellant/A1 scolded the deceased stating that brides were available for A1 to give 100 sovereigns for marriage. As the deceased was in permanent job at the time of marriage, they performed the marriage of A1 with her. As there was marriage debts, all the accused harassed the deceased to get cash and jewels from her father. So, the deceased informed the same to her



father. Her father also advised the deceased to close the RD account and give RD amount to her husband. Again, all the accused persons tortured the deceased to get cash from her father for purchasing a Car. So, the deceased was depressed and became upset. Subsequently, due to continuous torture and harassment from the date of marriage, the deceased committed suicide by hanging herself using saree in her house at Chinnamani Street, Thirumangalam and died on 20/02/2011.

3. Based on the complaint given by the father of the deceased, the respondent Police registered a case in Crime No.89 of 2011 under Section 174 Cr.P.C. After investigation, laid a charge sheet before the Judicial Magistrate, Thirumangalam, for the offences under Sections 498(A) and 304-B IPC against the accused and the learned Judicial Magistrate also took the charge in PRC No.6 of 2013 against the accused persons. After completing the formalities and also served the copies to the accused and complied with the provisions under Section 207 Cr.P.C, committed the case to the Court of Session. Since the offences are exclusively triable by the Court of Session, the Principal District and Sessions Judge, Madurai took the case on file in SC No.69 of 2015 and since the offences are against woman, made over to the Sessions Judge, Mahalir Neethimandram, Madurai. The learned Sessions Judge, after completing the formalities framed the charges against the appellant and other accused persons for the offences punishable under Sections 498(A) and 304-B IPC.



4.After framing the charges, in order to substantiate the case, on the side of the prosecution, totally 13 witnesses were examined as PW1 to PW13 and 10 documents were marked as Exs.P1 to P10.

5.After completing the prosecution side witness, when the accused were questioned under Section 313 Cr.P.C., in respect of the incriminating circumstances appearing against them based on the evidence adduced by the prosecution, they denied the same as false. On the side of the defence, one witness was examined as DW1 and 5 documents were marked as Exs.D1 to D5.

6.After completing the trial and upon hearing the arguments advanced on either side and also considering the oral and documentary evidence, the learned trial Judge found A2 and A5 not guilty of the charges framed against them. However, the trial court found guilty of A1, who is appellant herein for the offences under Sections 498(A) and 304-B IPC, convicted and sentenced him to undergo 3 years RI and to pay a fine of Rs.2,00,000/-, in default to undergo 6 months SI for the offence under Section 498(A) IPC and also found the appellant guilty for the offence under Section 304-B IPC, convicted and sentenced him to undergo Life Imprisonment and directed the fine amount to be paid to PW1, PW2 and PW6 towards compensation after expiry of the appeal period and subject to the decision of the appeal. Both the sentences were ordered to run concurrently.



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CRL.A.(MD).No.41 of



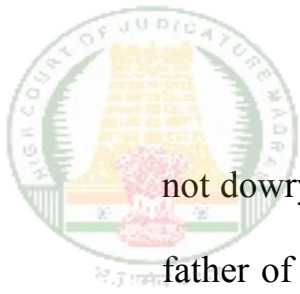
7. Aggrieved over the judgment of conviction and sentence, A1 has preferred the present appeal.

8. Learned counsel for the appellant would submit that there is no proof for demand of dowry and harassment; Though the trial court held that the prosecution has not proved the charges as against A2 to A5 and acquitted them from both the charges, however, presumed guilt of the appellant for both the offences. He would further submit that there is no material to show that immediately soon before the death, there was demand of dowry and also harassment, but without considering the same, the trial Court convicted the appellant/A1 as guilty. Further, he would submit that the trial Court failed to consider the evidence of DW1-Doctor, who gave treatment for abortion; The deceased got pregnancy for two times and in both the times, since the foetus in the uterus of the deceased was very weak, they undergone abortion; Due to that, the deceased was upset and mentally depressed, she committed suicide and not because of the harassment or demand of dowry; PW2 and PW6 are the sisters and PW3 is the brother-in-law of the deceased and they are relatives and interested witnesses; The trial Court made reliance only on the interested witnesses and convicted the appellant/A1 and failed to consider the defence taken by the appellant and in the absence of specific date of demand of dowry, as per their evidence, the cruelty and assault of the deceased by the appellant/A1



was not proved by the prosecution; The prosecution witnesses clearly admitted that there was no demand of dowry by all the accused. In fact, the appellant and the deceased were living happily and it was clearly spoken by PW4 the owner of the house; PW3 has also clearly stated that the deceased and the appellant were living happily; PW4 who is the owner of the house at Chinnamani Street, Thirumangalam where the appellant and the deceased were living together in a rented house, has stated that they lived separately from the other accused; But why the deceased conceived two times, there are contradictory evidences between the evidence of PW2, PW3 and PW6 and their evidence is also self-contradictory; From the prosecution case, in fact, due to abortion, the Doctor advised the deceased to take rest for four months and as the health of the deceased is weak and on fear, the abortion may happen again. So, she was always depressed about her childless position, which thwarted and induced the deceased for the commission of suicide; The appellant never subjected the deceased to cruelty and never demanded any dowry.

9. In support of the case of the defence, the learned counsel for the appellant relied on the evidence of DW1, the Doctor who gave treatment during observation and also relied on the evidence of PW11, who is the Executive Magistrate during enquiry under Section 174 Cr.P.C and the report of PW11 clearly shows that there was no dowry demand and the death of the deceased was



not dowry death and therefore, unfortunately, after the death of the deceased, the father of the deceased lodged a false complaint against the accused; There were lapses in the investigation and the Investigating Officer failed to investigate the matter properly relying fully on the words of the relative witnesses; The trial Court recorded a conviction against the appellant and also failed to consider the defence taken by the appellant. Hence, the judgment of conviction and sentence rendered by the trial Court against the appellant is liable to be set aside and the appeal has to be allowed.

10.Learned Additional Public Prosecutor appearing for the respondent would submit that PW1 is the father of the deceased; PW2 and PW6 are the sisters of the deceased and their evidence disclosed that the appellant used to come in drunken state, quite often and harassed his wife to get cash, jewels in order to settle the marriage debts and to purchase a Car and further he also demanded cash to get house for lease and also for purchasing household things; PW1 also advised the deceased to close the RD account and get the cash and give it to the appellant; Both the appellant and the deceased were working as Lecturers in the colleges and the deceased studied M.Sc., M.Phil and worked as Assistant Professor in Senthilkumar Nadar College, Virudhungan and the appellant was a BE Graduate and worked as Lecturer in SACS MAVMM College, Kidaripatti; After the marriage, for the convenience of the appellant and



the deceased, a rental house was arranged at Chinnamani Street, Thirumangalam, which was the centre point for both; In order to prove the same, the owner of the house was also examined as PW4 and he has stated that on 20/02/2011, the deceased committed suicide by hanging and on hearing the information, PW1 who is the father of the deceased, lodged a complaint before the Thirumangalam Police Station and initially, the case was registered under Section 174 of Cr.P.C and subsequently altered into Sections 498(A) and 304-B IPC and the respondent Police, after completing the investigation, laid the charge sheet before the trial Court and on perusal of the materials, it is seen that charges were framed against the appellant, his parents and sisters and since the appellant and the deceased were living together in a rented house, which belongs to PW4, the trial Court disbelieved the case of the prosecution as against A2 to A5, but however, believed the case of the prosecution as against the appellant/A1 and in order to substantiate the case, the de-facto complainant the father of the deceased was examined as PW1 and he has categorically stated about the demand of dowry and harassment made by the appellant.

11.It is further stated by the learned Additional Public Prosecutor that the deceased was subjected to cruelty and demand of dowry and that the sisters of the deceased were also examined as PW2 and PW6 and they have also spoken about the demand of dowry and harassment made by the appellant and



the attitude of the appellant and therefore, the prosecution proved the motive and also admitted the death of the deceased by committing suicide within seven years from the date of the marriage; The prosecution has also established the foundational facts that there was demand of dowry and also harassment and no doubt, presumption is rebuttal presumption and there is also evidence to establish that the death of the deceased is dowry demand; Though the defence tried to establish that due to abortion of the foetus twice, she was mentally depressed and upset and subsequently committed suicide, there are no materials to show that due to abortion, the deceased went to the extent of giving up her life; DW1 clearly stated that the deceased aborted the foetus twice due to immature growth of the foetus and his evidence clearly established that the deceased being an educated woman, would not commit suicide due to abortion; and that there is no material to show that due to abortion, the deceased was mentally depressed and therefore, under these circumstances, the appellant cannot take advantage of such situation that there was abortion twice and only in order to escape from the clutches of law, the appellant stated that due to abortion twice, the deceased committed suicide. But the trial Court disbelieved the defence taken by the appellant and rightly appreciated the evidence of the prosecution witnesses and also rightly convicted the appellant and there is no merit in the appeal and the same is liable to be dismissed.



12. Heard the learned Counsel appearing on behalf of the appellant and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

13. It is the case of the prosecution that the marriage was solemnized between the appellant and the deceased, on 13/12/2009. At the time of marriage, 20 sovereigns of gold jewels and one sovereign of gold ring and house-hold articles were provided on the side of the deceased as sreedhana. After the marriage, the deceased was working as Assistant Professor in Senthilkumar Nadar College, Virudhunagar and the appellant was working as Lecturer in SACS MAVMM College, Kidaripatti. Both the appellant and the deceased were residing at Chinnamani Street, Thirumangalam. The appellant was having the habit of consuming alcohol, demanded cash and jewels quite often from the deceased. Since the father of the deceased could not provide the same, at the ill advise of A2 to A5, the appellant demanded dowry. Though they demanded 100 sovereigns of jewels from the deceased, at the time of marriage, since because the deceased was in permanent job, they agreed for the marriage. After the marriage, they used to demand jewels, cash and cash for getting a house on lease and also for purchasing house-hold articles. Therefore, the deceased informed the demand made by the appellant to her father. So, her father also advised her daughter to close the RD account and give the money to her



husband. But the appellant did not stop with that. Further, he also again and again tortured the deceased to get cash from her father in order to purchase a Car. Therefore, the deceased was mentally depressed and upset and due to the continuous torture and harassment made by the appellant from the date of marriage till the date of the death of the deceased, the deceased committed suicide by hanging herself using her saree in the house where they were living in a rented house at Chinnamani Street, Thirumangalam, on 20/02/2011 and therefore, the respondent Police registered the case and after completing the investigation, laid the charge sheet. The trial Court acquitted the other accused namely A2 to A5, but convicted A1 for both the offences under Sections 498(A) and 304-B of IPC.

14.Charges were framed against all the accused namely A1 to A5. In order to prove the case, on the side of the prosecution, totally 13 witnesses were examined, out of which, the father of the deceased was examined as PW1. One of the sisters of the deceased namely Rajalakshmi was examined as PW2. The another sister Sangeetha was examined as PW6. The brother-in-law of the deceased was examined as PW3. The house owner was examined as PW4.

15.From the evidence of PW1, PW2, PW3, PW4 and PW6, the prosecution has proved the motive and though, there is no eye witness to the



occurrence, a case was registered under section 174 Cr.P.C. Admittedly, both the appellant and the deceased are husband and wife. The wife died unnaturally in the house where the deceased and appellant were living in the rented house. The owner of the house was examined as PW4. He has also substantiated that the deceased died unnaturally in the house where the appellant and the deceased were residing. The marriage took place between the appellant and the deceased on 13/12/2009 and the deceased died on 20/02/2011. The death of the deceased is unnatural.

16.It is admitted that the death of the deceased is unnatural and it also happened within seven years from the date of the marriage. Therefore, it is presumed that the death of the deceased is dowry death. The said facts were not disputed. Now the prosecution has established the foundational facts as to whether there was demand of dowry after the marriage and soon before the death. Though the evidence of PW1 is clear that even during the marriage, the appellant demanded dowry, but however, since the deceased was in permanent job, working as Assistant Professor, at the time of marriage, they accepted the jewels provided by PW1. Since the mother of the deceased was no more, PW1 took care of the three female children and gave good education and the deceased also secured a good job and PW1 also provided with 20 sovereigns of gold jewels to the deceased and one sovereign of gold ring to the appellant and also



other sreedhana. After the marriage, the appellant is in the habit of consuming alcohol and very often, he harassed the deceased demanding jewels and cash as well as cash for purchasing a Car and also for taking a house for lease. The parents of the appellant also encouraged the same. However, for the convenience of the appellant and the deceased, they had set up a separate family in a rented house, which belongs to PW4. They were living happily. During that period, the deceased conceived twice and due to some health reason, the same was aborted. The evidence of PW4 is also proved the same.

17. According to the prosecution, the appellant demanded dowry from the date of the marriage till the date of the death of the deceased. In order to substantiate the case, the father and the sisters of the deceased were examined. They have clearly spoken about the attitude of the appellant and demand of dowry made by him and also the harassment made by the appellant to the deceased. The evidence of PW4 the owner of the house also proved that the deceased died in the house where the appellant and the deceased were living together and the death was unnatural by hanging and therefore, the prosecution has established the foundational fact that the death is due to demand of dowry.

18. The learned counsel for the appellant would vehemently contend that the prosecution has failed to prove the case and the witnesses have



not spoken the exact date, on which the appellant demanded dowry or made harassment and since the pregnancy was also aborted, the deceased was mentally depressed and committed suicide. But there is no material to show that due to abortion, the deceased was mentally depressed and took treatment for the same or any psychiatric counselling was given to her.

19.From the evidence of PW1, PW2, PW3 and PW6, it is clear that the deceased was very bold and educated. Though from the evidence of PW1, PW2, PW3 and PW6, the deceased was living in a conducive atmosphere from the date of marriage, the appellant used to harass the deceased and caused mental cruelty and also made a continuous demand and that might be one of the reasons for abortion and therefore, the appellant cannot take advantage of the abortion that the deceased committed suicide only due to the abortion, in the absence of any material to show that due to abortion the deceased was mentally depressed and psychiatric counselling was given and the Doctor has given opinion that the deceased will not get conceived in future. Therefore, under these circumstances, the deceased being an educated woman, who was working as Assistant Professor in the college would not go to the extent of committing suicide. So, the defence taken by the appellant is not tenable, which is not sustainable on facts and law. Since the marriage between the appellant and the deceased was admitted and the deceased died on 20/02/2011, which is unnatural death, the case was registered



under section 174 Cr.P.C and subsequently, since PW1 lodged a complaint against the appellant and their family members, after investigation, the Investigating Agency altered the offences punishable under sections 498(A) and 304-B of IPC. Since materials were available for altering the charge, after completing the investigation, the respondent Police laid the charge sheet for the offences under sections 498(A) and 304-B IPC.

20.From the materials produced by the prosecution, it is clear that the appellant has committed the offence for both the charges. Now the only material question is as to whether the proximity nexus between the death of the deceased with cruelty would attract the offence under section 304-B IPC. Before that, the prosecution has to prove the following ingredients:-

“(i)Death should have occurred within seven years of marriage.

(ii)The deceased was subjected to cruelty or harassment by the accused.

(iii)Such cruelty or harassment should have or in connection with the demand of dowry.

(iv)Such cruelty or harassment of the deceased should have been subjected soon before her death.



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CRL.A.(MD).No.41 of



(v)The death of the women was caused or occurred otherwise than in normal circumstances.”

21.In this case, from the evidence of the prosecution witnesses namely PW1, PW2, PW3 and PW6, the marriage was proved and the death of the deceased which is unnatural also proved and the death of the deceased is within 7 years from the date of marriage is also proved. From the evidence of PW6, even soon before the death of the deceased, there were quarrel and demand of dowry. The prosecution has proved the foundational fact that the deceased died due to dowry harassment, therefore, it is for the appellant to rebut the presumption in the manner known to law, but the appellant has not done the same. Therefore, this Court, being an Appellate Court, is a fact finding Court, finds that the prosecution has proved the charges levelled against the appellant.

22.Though the trial Court acquitted the other accused namely A2 to A5, the prosecution has not challenged the same and also not filed any appeal. But however, A1 has challenged the judgment of conviction and sentence rendered against him.

23.Reading of the entire materials, this Court finds that the prosecution has proved the case with cogent, consistent and convincing evidence. Merely because, PW1, PW2, PW3 and PW6 are the relatives of the



deceased, their evidence cannot be simply ignored and thrown away, unless the Court finds that they are interested witnesses and their evidence is not reliable and does not inspire confidence of the Court.

24. Reading of the entire materials, especially the evidence of PW1, PW2, PW3 and PW6, their evidence is cogent, consistent and also reliable. This Court also inspire confidence of their evidence and also the testimony of those witnesses cannot be doubted and ignored. Therefore, this Court finds that the appellant has committed the charged offences and the trial Court has rightly appreciated the evidence and given valid reasons and convicted the appellant/A1 alone for the charged offences. This Court does not find any reason to interfere with the well founded judgment of conviction and sentence passed by the trial Court.

25. In the result, this Criminal Appeal is **dismissed**, confirming the impugned judgment passed by the trial Court.

(P.V.,J) (L.V.G.,J)
25/10/2025

Index: Yes/No
Internet: Yes/No

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CRL.A.(MD).No.41 of

To,

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1. The Sessions Judge,
Mahalir Neethimandram,
Madurai.
2. The Judicial Magistrate,
Thirumangalam,
Madurai District.
3. The Deputy Superintendent of Police
Thirumangalam Town Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL.A.(MD).No.41 of

P.VELMURUGAN,J.
and
L.VICTORIA GOWRI,J.
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Crl.A(MD)No.41 of 2022

25.10.2025