

Crl.O.P(MD).No.80 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.08.2025

CORAM :

THE HONOURABLE **Dr. JUSTICE R.N.MANJULA**

Crl.A.(MD)No.80 of 2017

1.Gomathi
2.Velu

... Appellants/A2 & A3

versus

The State of Tamil Nadu
rep., by the Inspector of Police,
All Women Police Station,
Thiruvadanai, Ramanathapuram District.
Crime No.3 of 2009

... Respondent/Complainant

Prayer : Criminal Appeal filed under Section 374(2) of the Code of Criminal Procedure, to call for the records relating to the judgment dated 17.02.2017 made in Spl.S.C.No.108 of 2011 on the file of the Principal Sessions Court, Ramanathapuram and set aside the conviction and sentence imposed against the appellants/accused and allow above appeal by acquitting the accused.

For Appellant : Mr.D.Venkatesh

For Respondent : Mr.K.Gnanasekaran
Government Advocate (Crl.side)



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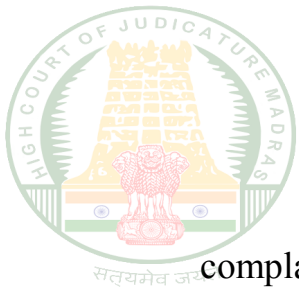
JUDGMENT

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This criminal appeal has been preferred challenging the judgment of the learned Principal Sessions Judge, Ramanathapuram, dated 17.02.2017, made in Spl.S.C.No.108 of 2011.

2. The appellants are the Accused Nos.2 and 3, who have been found guilty for the offence under Section 506(ii) IPC, convicted and sentenced to undergo rigorous imprisonment for one year (each) and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for a further period of six months (each).

3. The case of the prosecution is that the defacto complainant belonged to Scheduled Caste Community and the accused persons belonged to some other community. During 2009, the defacto complainant and the second accused, were working in a Banian company at Tirupur by staying in one house. The brother of the second accused, who is the first accused, used to visit his sister, second accused, during holidays. Due to the change in the duty shift of the second accused, the first accused got acquaintance with the defacto complainant. He told the defacto



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complainant that he was in love with her and on the pretext that he would marry her, he committed sexual assault on her on 15.03.2009 against her Will. Thereafter, he refused to marry her by citing her caste and threatened her saying that if she persisted in compelling him to marry her, he would kill her. The appellants, second and third accused, also joined with the first accused in stating that the marriage between the first accused and the defacto complainant could not be performed on the ground of her caste. They further abused her with caste-based slurs and threatened her that she should not compel the first accused to marry her or else they would kill her.

4. On the complaint given by the defacto complainant, a case has been registered. After the completion of investigation, charge sheet has been filed for the offence under Section 506(ii) IPC and Section 3(1)(x) of SC/ST(POA) Act, against the appellants/second and third accused. Since the offence is triable by the Sessions Court, the case was committed to the Sessions Court. The learned trial Judge had taken cognizance in Spl.S.C.No.108 of 2011 and after completing the legal mandate of furnishing copies and all other legal formalities, the learned trial Judge framed charges against the appellants/second and third accused for the



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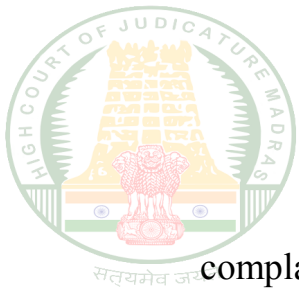
offence under Section 506(ii) IPC and Section 3(1)(x) of SC/ST(POA)

Act. When the accused was questioned, they denied the same and claimed to be tried.

5. During trial, on the side of the prosecution, P.W.1 to P.W.17 were examined and Exs.P1 to ExP19 were marked. On the side of the defence, no oral and documentary evidence was let in.

6. After the conclusion of trial, based on the oral and documentary evidence, the learned trial Judge has convinced and sentenced the appellants as stated *supra*. Aggrieved over the same, this appeal has been preferred.

7. The appellants have been convicted for the offence under Section 506(ii) IPC only. It appears from the evidence of P.W.1 that all the three accused have participated in the panchayat and panchayatdars insisted the first accused that he should marry the defacto complainant, but the accused persons did not agree the same, and they threatened the defacto complainant with dire consequences. P.W.2, who is the mother of the defacto complainant, stated in her evidence that on the same day when the panchayat was held, the first and second accused threatened the defacto



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complainant with knife. P.W.3 and P.W.4, who are independent witnesses and also panchayatdars have stated in their evidence that they had convened a panchayat and the accused were called but they did not appear.

8. The learned counsel appearing for the appellants submitted that there is no evidence to show that the appellants were present in the panchayat; even assuming that they were present, the alleged threat was not serious in nature and mere utterance of words cannot be construed as criminal intimidation. In this regard, he relied upon the judgment of the Madras High Court in the case of ***V.Ponnusamy Vs., State rep., by the Deputy Superintendent of Police*** reported in ***(2016) 1 MLJ (Crl) 668***, wherein it has been held as follows:

“32..Chapter XXII of [Indian Penal Code](#), 1860 deals with certain kinds of criminal intimidation. [Section 506](#) IPC is a punishing Section. In this case, admittedly, at the time of the alleged occurrence, the accused was not in possession of any lethal weapon much less any weapon nor he possessed any corrosive substance nor he carry any Kerosene Tin or Petrol Tin or a country made bomb nor a match box. There are lethal words. Mouth is a dangerous weapon. But they cannot be equated to lethal weapons so as to attract [Section 506\(ii\)](#) IPC.



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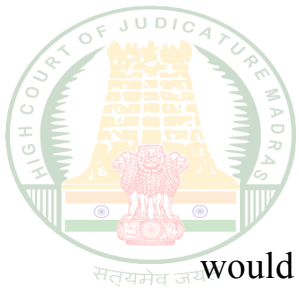
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33. The intention of the accused should be such that he wanted to instill fear in the mind of the victim. But, the evidence of PW-1 did not satisfy such a requirement. That apart, in this respect, PWs-1, 3 and 5 were not consistent in their evidence. Thus, the charge under [Section 506\(ii\)](#) IPC has also fallen to the ground.”

9. The learned Government Advocate (Crl.side) submitted that the trial Court has rightly considered the evidence placed and arrived at a conclusion by convicting the accused.

10. Heard both sides and perused the materials available on record.

11. On perusal of the evidence on record, it is seen that P.W.1 has merely alleged that she was intimidated by the appellants, however the specific words constituting such intimidation have not been stated in her evidence. The panchyatdars, who have been examined as P.W.3 and P.W.4, have not spoken about the participation of the appellants/accused 2 and 3. As rightly pointed out by the learned counsel for the appellants, even it is presumed that the appellants/accused 2 and 3 took part in the panchayat, the alleged intimidation as deposed by P.W.1 does not appear to be sufficiently serious to cause a real apprehension in her mind that she



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would be killed, if she continued to compel the first accused to marry her.

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12. Even though P.W.1 has stated that both the accused 1 and 2 have assured her that she can be married to the first accused, the learned trial Judge has not found the second accused guilty for the offence under Section 417 IPC or any other charges, however the second accused has been charged only for the offence under Section 506(ii) IPC. The material available on record was not sufficient to prove the charge levelled against the accused 2 and 3. Hence, I feel the judgment of the trial Judge so far as it relates to the accused 2 and 3 in respect of their guilt for the offence under Section 506(ii) IPC warrants interference.

13. It has been held by the Hon'ble Supreme Court as well as the High Court time and again that for the offence punishable under Section 506(ii) IPC, the threat should be realistic and not mere words. If the person uttering those words does not exactly mean what he says and the person who hears does not feel the threat, it is not fair on the part of the Court below to convict the accused for the offence under Section 506(ii) of IPC. In this regard, it is relevant to cite the judgment of the Hon'ble Supreme Court in the case of *Sharif Ahmed v. State of U.P (2024 SCC OnLine SC 726)*, wherein it has been held as under: -



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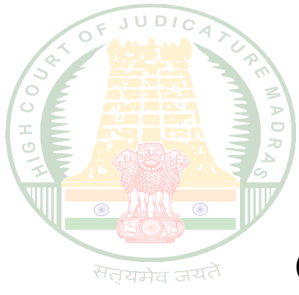
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“38. An offence of criminal intimidation arises when the accused intendeds to cause alarm to the victim, though it does not matter whether the victim is alarmed or not. The intention of the accused to cause alarm must be established by bringing evidence on record. The word ‘intimidate’ means to make timid or fearful, especially : to compel or deter by or as if by threats. The threat communicated or uttered by the person named in the chargesheet as an accused, should be uttered and communicated by the said person to threaten the victim for the purpose of influencing her mind. The word ‘threat’ refers to the intent to inflict punishment, loss or pain on the other. Injury involves doing an illegal act.”

14. In the instant case, the realistic threat beyond words have not been proved by the prosecution's witness. As the above judgment is squarely applicable to the present case, I feel the conviction of the appellants/accused 2 and 3 for the said offence under Section 506(ii) of IPC is liable to be set aside.

15. In result,

(i) This Criminal Appeal is allowed.



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(ii)The judgment of the learned Principal Sessions Judge, Ramanathapuram, in Spl.S.C.No.108 of 2011 dated 17.02.2017 is set aside insofar it relates to the conviction and sentence imposed against the appellants/accused 2 and 3.

(iii)The appellants are hereby acquitted from the charge levelled against them.

(iv)The bail bond shall stand cancelled and sureties, if any, shall be discharged.

(v)The find amount, if already paid, shall be refunded to the appellants.

11.08.2025
(1/2)

Index : Yes/No
NCC : Yes/No
Rmk

To

- 1.The Principal Sessions Court, Ramanathapuram.
- 2.The Inspector of Police,
All Women Police Station,

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Thiruvadanai, Ramanathapuram District.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

4.VR Section.
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA, J.,

Rmk

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