



Crl.A.No.527 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.11.2025
PRONOUNCED ON : 07.01.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.527 of 2022

1.Madankumar
2.Sadagopan
3.Senthamarai

... Appellants

Vs.

State rep. by
The Assistant Commissioner of Police,
Guindy Range,
J3 Guindy Police Station,
Chennai – 600 032.
Crime No.1459 of 2015.

... Respondent

Prayer: Criminal Appeal filed under Section 374(2) of Cr.P.C., to set aside the conviction and sentence imposed in the judgment dated 16.03.2022 against the appellants herein in S.C.No.340 of 2016 on the file of the Court of Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai-600 003 and acquit the appellants.



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For Appellants : Ms.K.Bharathi
For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor
Assisted by Ms.Harshana.T

JUDGMENT

This Criminal Appeal is filed to set aside the impugned judgment in S.C.No.340 of 2016 dated 16.03.2022 on the file of the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai-600 003.

2.The appellants/accused in S.C.No.340 of 2016 convicted by the Trial Court by judgment dated 16.03.2022 and sentenced them as follows:

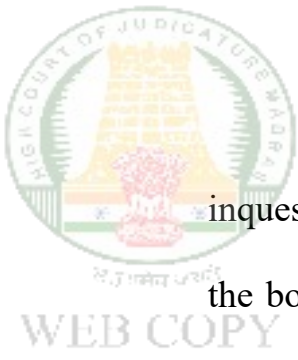
- A1 to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment for the offence under Section 498A IPC and to undergo ten years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment for the offence under Section 306 IPC.
- A2 and A3 to undergo three years simple imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment for the offence under Section 498A IPC.



3.The case of the prosecution is that the first appellant is the husband of the deceased, the second and third appellant are the father-in-law and mother-in-law of the deceased Selviyammal. The first appellant and the deceased got married on 28.09.2012. During the marriage, customary sridhana articles presented. The deceased Selviyammal was a Graduate and the first appellant was in the photography business. It was a marriage of choice. After the marriage, the deceased stayed with the appellants where she was not treated properly, she was harassed, humiliated and further her jewels were pledged. The first appellant was addicted to alcohol. Later, the first appellant and the deceased were living separately. Thereafter, the situation had not improved and the appellants demanded additional dowry, humiliating the deceased and further demanded setting up a separate photo studio for the first appellant. The defacto complainant/mother of the victim) pledged her property and gave Rs.2 lakhs for setting up a Studio which the first appellant could not successfully run, again fell in debt, addicted to alcohol and the deceased was continuously abused and assaulted. Thereafter, the defacto complainant/mother of the deceased took her daughter and her son-in-law to her house and they were staying there. Again the first appellant



not attended any work. The defacto complainant was working as a Cook, she used to go for work by 7:00 a.m. and return back by 9:00 p.m. This is her daily routine. Even prior to the day of the incident i.e., 03.05.2015 at night hours, there was a fight between the deceased and the first appellant. Thereafter, on the next day morning, the defacto complainant left for her job and at about 8:00 a.m., when she called her daughter, she was not responding, hence she came back home, found a crowd in front of her house. She opened the door and found her daughter lying on the floor and the first appellant was sitting in a corner of the room speaking over phone. When enquired, he informed that she had fallen down and sustained injury and thereafter, the defacto complainant took her daughter to Excellent Care Super Speciality Hospital, Velachery but the first appellant/A1 was not showing any response and stayed back. PW5/Doctor who examined the deceased Selviyammal found that she was brought dead and recorded in Ex.P10 that a clear ligature mark was seen on the neck. PW1 went to the police station, lodged a complaint to PW6, who registered FIR/Ex.P11 and finding that the death has taken place within 7½ years of marriage informed PW8/Assistant Commissioner of Police, who received FIR and sent a request to Revenue Divisional Officer (RDO) through Ex.P14 to conduct



inquest. PW8 visited the Hospital, inspected the body and thereafter sent the body to the mortuary of Government Hospital, Royapettah. Thereafter, PW8 visited the scene of occurrence, enquired the witnesses including the defacto complainant, prepared observation mahazar/Ex.P8 and rough sketch/Ex.P15 in the presence of witnesses, collected the Dupatta found inside the house of the deceased and the diary written by her. After completion of inquest, received the report from the RDO confirming that the cause of death is the habit and behaviour of the first appellant, addiction to alcohol and subjecting the victim to cruelty P.W.8 continued with the investigation and sent the seized materials to the Court, MO1/Dupatta, Ex.P2/diary, Ex.P3/SSLC mark sheet of the deceased, Ex.P4/HSC mark sheet of the deceased, Ex.P5/letter by the deceased to the CM and Ex.P6/long size note book all collected, sent to Handwriting Expert. The Doctor, who conducted the postmortem was examined and a postmortem report collected, confirming death was due to asphyxia due to hanging. Thereafter Section was altered to offence under Section 306 IPC. Since PW8 was transferred, the file was handed over to the succeeding Assistant Commissioner of Police/P.W.10. In the meanwhile, PW9/Inspector of police who was assisting the investigation on getting information about A1 in this



case, arrested him on 02.10.2015. On 07.05.2015, the defacto complainant appeared before the Inspector and submitted the hand written notebook of the deceased/Ex.P6. PW10 took up investigation, collected forensic report along with the reasoning sheet confirming handwriting of the deceased, death note and the appellants are the reason for taking the extreme step. On conclusion of investigation, charge sheet filed. During trial, PW1 to PW10 examined, Ex.P1 to Ex.P25 marked, MO1 and MO2 produced on the side of the prosecution. On the side of the defence, no witness examined and no documents marked. On conclusion of trial, the Trial Court convicted the appellants as stated above.

4.The contention of the learned counsel for the appellants is that the marriage between the first appellant and the deceased took place on 28.09.2012 and it was a love marriage. After the marriage, the deceased and A1 were living with A2 and A3 in Maduravoyal. It is projected as though A1 addicted to alcohol, due to which he caused harassment and suffering to the deceased. Even prior to the marriage, they knew each other for five years, their habits and way of life, at that time, there was no complaint that the first appellant/A1 alcoholic. The deceased was not willing to stay in a



joint family, hence she insisted for separate home, it was agreed and they were staying separately. Later, the deceased insisted that the first appellant wanted her daughter to stay with her, hence from Maduravoyal shifted to Velachery. Since the deceased not conceived even after 2½ years of marriage, she was in a depressive mood and for that reason, she committed suicide but it is now projected against the first appellant. The admitted position is that after the marriage for few months A1 and the deceased living in a joint family with A2 and A3 and thereafter, they were living separately for some time. Five months prior to the suicide, the deceased and A1 were living with PW1.. In this case, admittedly the deceased committed suicide in her parents' house. It is further projected that the first appellant was not getting any job, lastly he joined a photo studio and 20 days prior to the occurrence, he left the job claimed he will use his laptop and do some design work on his own. The deceased was worried for the joblessness of the first appellant used to pick up quarrel with her husband/A1. The Trial Court convicted the appellants primarily on Ex.P2/suicide note, it is seen that the deceased was pregnant for four months but the Postmortem Doctor in his report/Ex.P12 not mentioned about presence of fetus. Then the question arises as to when was this alleged suicide note written. In this case



admittedly no Handwriting Expert examined but a report/Ex.P24 of Dr.Sivapriya, Assistant Director and Document Expert, Forensic Science Department, Mylapore, Chennai and the reasoning sheet/Ex.P25 taken in evidence. Further in this case Ex.P6/long size notebook is said to have been produced by PW1 to PW9 months later on 10.10.2015 and the writings in Ex.P6 taken as admitted writings and studied along with the writings found in Ex.P2. Hence the report Ex.P24 and Ex.P25 becomes highly doubtful. Further mere production of Ex.P24 and Ex.P25 would not be taken as proved. In this case, the inquest report/Ex.P17 and enquiry report/Ex.P18 of RDO marked through the Investigating Officer and the RDO not examined as witness in this case. On the contrary, the Trial Court place heavy reliance on the RDO report and the Handwriting Expert's report in convicting the appellants. The reason given by the Trial Court that the the expert report can be taken in evidence by invoking Section 293 Cr.P.C. is not proper for the reason that when the alleged admitted writings of the deceased was produced five months after the occurrence without any contemporary documents or witnesses. In this case PW 1 is the mother of the deceased who gives an exaggerated version with contradictions. In her complaint she states that the ceiling of the house is low, her daughter a bold character person and she will



not commit suicide and A1 murdered her daughter. Further the presence of A1 in the scene of occurrence is also doubtful. PW1 states that the house was locked from inside and A1 was sitting inside the house. But PW3 states that she had come, knocked the door and saw A1 sitting inside the house and the door was opened. PW2, a neighbour not supported the case of the prosecution as to the previous day fight. PW4 is the witness for the observation mahazar and for the seizure of material objects. MO2 is the diary in which the suicide note/Ex.P2 found. PW5/Doctor confirms that there was a ligature mark around the neck of the victim. PW7/Postmortem Doctor confirms the death was due to hanging. PW6 is the Sub-Inspector of Police who received the complaint and registered the FIR in this case. PW8 and PW10 are the Assistant Commissioners of Police who conducted investigation in this case. PW9 states that PW1 appeared before him and produced Ex.P3 to Ex.P5 on 07.05.2015 which are the admitted writings. In such circumstances PW9/Inspector of Police states that on 10.10.2015 PW1 produced Ex.P6, a classmate notebook containing the writings of the deceased. This has been recorded in Form 95/Ex.P22. Form 95/Ex.P16 and Ex.P22 are not supported with any seizure mahazar. Hence the RDO report and the Handwriting Expert report are not produced and proved in the



manner known to law, on the contrary the Trial Court relies these evidence to come to conclusion, deceased left a dying declaration and convicted the appellants. Hence prayed for acquittal.

5.The learned Additional Public Prosecutor submitted that in this case PW1 is the mother of the deceased, who lodged a complaint to PW6, who received the complaint and registered FIR/Ex.P11 in this case. The accused hails from Maduravoyal and PW1 was residing in Velachery. Four to five years prior to the occurrence, A1 was staying as a tenant in the house of PW1, when the deceased and A1 developed love affair. Both their parents conducted the marriage and after the marriage, the deceased was staying with the appellants in Maduravoyal as a joint family. During the marriage, 40 sovereigns of gold jewels, a motorbike, cash and sridhana articles presented. The first appellant was addicted to alcohol and was not attending any work, he pledged all the jewels and spent money on drinking, which was questioned by the deceased. The first appellant due to addiction to alcohol could not continue the business and everything went in drain. Five months prior to the occurrence, the first appellant and the deceased taken to Velachery and they were staying with PW1, who was working as housemaid,



she used to go for job at 7:00 a.m. and come back at 9:00 p.m. There was constant quarrel between the deceased and her husband. Even on the previous night i.e., on 03.05.2015 the first appellant and his deceased wife both quarreled, had a fight. On 04.05.2015, PW1 went to work and when she called her daughter, she had not responded. Hence, PW1 came back home, found her daughter lying on the floor, the first appellant/A1 was found sitting in a corner of the hall talking over phone, when enquired, A1 informed PW1 that deceased fainted and fell down. Thereafter, with the help of neighbours PW1 took her daughter to the Hospital where PW5/Doctor examined her and declared brought dead. The ligature mark found on the deceased recorded in the Accident Register. Thereafter, PW1 lodged a complaint to PW6, who registered FIR and found that the death was within seven years of marriage, he placed the FIR to PW8, who took up investigation, visited the Hospital, made arrangements for shifting the body to Government Hospital, Royapettah. Thereafter, PW8 prepared observation mahazar, rough sketch and seized MO1/Dupatta and suicide note diary, thereafter sent a request to RDO to conduct inquest. The RDO conducted inquest, gave a report/Ex.P18 that the death was not due to any dowry demand but due to cruelty and harassment and suspicion found against the



first appellant, hence directed to continue the investigation. PW8 continued the investigation and on his transfer, PW10 took up investigation collected reports. Handwriting Expert report/Ex.P24, reasoning sheet/Ex.P25 confirming Ex.P2/suicide note was written by the deceased. PW9/Inspector of Police on getting information arrested the accused and he collected a notebook with the writings of the deceased from PW1. In this case, except for PW2/neighbour, all other witnesses supported the case of the prosecution. On the evidence and materials produced, primarily on the suicide note and RDO report, the Trial Court convicted the appellants in this case. The defence of the appellants is that the appellants belong to scheduled caste community and the deceased belongs to Naicker a Most Backward community and the deceased was not happy with the marriage life, hence she was crumbling and finally committed suicide. This may not be a proper explanation since prior to marriage, they had love affair for more than four years and both knew their social and economic status, both families agreed and marriage was performed. Had there been any objection in the caste, the marriage would not have been performed. Considering all these aspects, the Trial Court rightly convicted the appellants. Hence, prayed for dismissal.



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6.Considering the submissions made and on perusal of the materials, it is seen that the deceased and A1 had a love affair, accepted by both families and their marriage was performed on 28.09.2012. After the marriage, A1 and the deceased living along with A2 and A3 at Maduravoyal for some time. During the marriage, customary sridhana articles, 40 sovereigns of jewels, cash of Rs.40,000/-, motorbike and household articles presented. A1 was not attending to any work, pledged all the jewels of the deceased and was having his own way of life, regularly consuming alcohol which caused disturbance in the matrimonial life and there was some dispute between husband and wife. A2 and A3, parents of A1 not taken any corrective action but supported A1. Further, they harassed, abused and subjected the deceased to cruelty. A2 and A3 were not having good relationship with the deceased and the deceased was regularly assaulted. PW1 took a house on lease, set up an independent family for A1 and deceased. PW1 pledged her house, took loan of Rs.2 lakhs and given to A1 to start a photo studio. But again A1 due to addiction to alcohol unable to continue with the studio and the deceased questioned A1. A1 and deceased came to PW1 house stating A2 and A3 not willing to accept the deceased. There was a police complaint, in which A1,



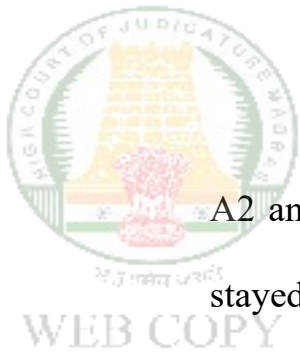
A2 and A3 and the deceased along with her mother all summoned, it was decided that the deceased and A1 would stay along with PW1 and they were staying for almost five months. A1's search for job was not successful, lastly, he got job in a photo studio and worked there but it did not last long. Twenty days prior to the occurrence, he left the job and claimed that he would do designing work using his laptop from home which further triggered the difference between the deceased and A1. All through these days, A1 was continuing with his alcoholic habit which further ruined the marriage life of the deceased. On 03.05.2015, the deceased called her husband to take her to temple which he refused, but A1 had gone out and came back late at night. There was quarrel and fight. On the next day i.e. 04.05.2015, PW1 informed her daughter and left for her job at 7.00 a.m. At about 9.00 a.m., when she called her daughter there was no response. Immediately, she came back home, found her daughter lying on the floor and A1 was sitting in the corner of the room talking to someone showing no concern for the deceased. PW1 took the deceased with the help of others in an auto to Excellent Care Super Speciality Hospital, Velachery where the Doctor examined her, pronounced brought dead and in Ex.P10, noted a ligature mark in the neck. PW1 lodged a complaint to PW6, who registered FIR. PW8/Investigating Officer written



to RDO for conducting inquest, thereafter PW8 visited the Hospital, made arrangements for the body to be shifted to Government Hospital, Royapettah. PW8 visited the scene of occurrence, collected Dupatta/MO1 and Diary/MO2 in which suicide note/Ex.P2 is written. In the presence of PW4, MO1 and MO2 seized through Ex.P9. From Ex.P8/observation mahazar, it is seen that the ceiling is 9 feet height sufficient for hanging. The RDO conducted inquest, recorded the statement of the witness and given his report, Ex.P17 and Ex.P18. The report confirms doubt is caused against A1 since he was in the habit of taking alcohol daily and there was constant fight between A1 and the deceased and requested further probe. Thereafter, PW8 continued with the investigation and on his transfer, he handed over the investigation to PW10. On 07.05.2015 PW1 handed over the marksheets/Ex.P3 and Ex.P4 and a letter written by her, ExP5, the same received and recorded in Form 95/Ex.P22. Thereafter, PW1 appeared before PW9 on 10.10.2015 and handed over a classmate notebook of the deceased. Ex.P2 to Ex.P6 forwarded to the Handwriting Expert through Ex.P23. On 27.10.2015, the Handwriting Expert received and gave a report, Ex.P24. On conclusion of investigation, charge sheet filed.



7.From the evidence of PW1 to PW3, it is seen that marriage between the deceased and the first appellant held on 28.09.2012, customary sridhana articles, jewels and cash presented. The marriage was a love-cum-arranged marriage. The deceased and the first appellant were staying as a joint family along with A2 and A3. PW4/neighbour confirms the seizure of a dupatta and suicide note on 04.05.2015. Ex.P8 is the observation mahazar and Ex.P9 is the seizure mahazar, both confirm the seizure of MO1 and MO2 from the scene of the occurrence on the same day of occurrence. PW5 confirms the issuance of Ex.P5, from which it is seen that the deceased was immediately rushed to the Excellent Care Super Speciality Hospital, Velachery on 04.05.2015 at about 9:20 a.m. by PW1/mother of the deceased. The ligature mark seen on the neck of the deceased is recorded. Thereafter, PW1 lodged the complaint/Ex.P1 on the same day to PW6 at about 12 noon and FIR/Ex.P11 registered. The postmortem report, Ex.P12 confirms deceased appeared to have died of asphyxia due to hanging, hence there is no dispute with regard to the cause of death, whether it is self or abetted by first appellant is the question to be decided. From the evidence of PW1, it is clear that the matrimonial life of the deceased was not happy as she expected. She was under severe trauma for the past 1½ years when she stayed along with



A2 and A3 as a joint family and when the deceased and the first appellant stayed alone as an independent family and when the deceased and A1 stayed along with the defacto complainant/PW1. A1 was addicted to alcohol not concentrating on his career, not taking care of his wife, showered any love and affection, care or concern for the deceased, who is a Graduate, came up hard way in her life, nursed by a single parent mother dreaming big in life, fond of happiness in the marriage life. Despite the caste barriers, she married A1, but her entire dream got shattered, since A1 was only focused in drinking alcohol, having his own way of life, all jewels lost and was without job. PW1 pledged her house and gave Rs.2 lakhs for starting a studio, which was not lasted. During her stay with A2 and A3 as joint family, the deceased was assaulted both verbally and physically at the hands of A2 and A3. Earlier, a police complaint lodged and thereafter only deceased and A1 started living in Velachery along with PW1/mother of the deceased. Twenty days prior to the incident, A1 lost the job and again started drinking, which was questioned by the deceased. On 03.05.2015 at night hours, there was a fight between A1 and the deceased. On 04.05.2015 as usual PW1 went to work and found her daughter committing suicide. Earlier PW1's daughter narrated her sufferings and pain written a suicide note/Ex.P2 which was



seized on the same day of the occurrence and admitted writings/Ex.P6 all seized in a cover of mahazar, from the scene of occurrence. The suicide note narrates the sufferings and pain of the deceased and for that reason, she was pushed abetted to take such an extreme step of ending her life. The Trial Court relied upon Ex.P2 and convicted the appellants. The authenticity of Ex.P2 studied along with Ex.P6 and the reasoning sheet/Ex.P25 and the report/ Ex.P24 of the Handwriting Expert confirms the same. The Trial Court in its judgment at paragraph No.25 gave reason for accepting the suicide note/Ex. P2. The RDO conducted inquest and given his report/Ex.P17 and Ex.P18. The report indicts first appellant and gave a finding for further investigation. PW8 and PW10, the Investigating Officers conducted investigation in this case and collected evidence, all confirming the first appellant abetted the suicide of his wife, A2 and A3 subjected the deceased to cruelty. Ex.P2 is proved, well corroborated with other evidence, hence this Court finds no reason to interfere with the finding of the Trial Court. The conviction by the Trial Court is confirmed. However, this Court is inclined to modify the sentence imposed against the appellants.

8. Accordingly, the judgment in S.C.No.340 of 2016 dated 16.03.2022



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passed by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai-600 003 is modified and the sentence imposed against the first appellant for the offence under Section 306 IPC is modified from ten years to five years and the sentence imposed against A2 and A3 for the offence under Section 498A IPC is modified from three years to six months. As far as the conviction and sentence of three years for the offence under Section 498A IPC against A1 is confirmed. The sentences to run concurrently.

9.In the result, the Criminal Appeal stands partly allowed.

07.01.2026

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To

1.The Assistant Commissioner of Police,
Guindy Range, J3 Guindy Police Station,
Chennai – 600 032.

2.The Sessions Judge,
Mahalir Neethimandram,
Allikulam, Chennai-600 003.

3.The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR, J.

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Pre-delivery judgment made in

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