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CRL A No. 491 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CRL A No. 491 of 2019

E.Ravi @ V.S.Ravi @ Vyasai Ravi

S/o.Elumalai, No.20, Ponniyamman Kovil Street,

Otteri, Chennai-12.

..Appellant(s)

Vs

State Rep. By

The Inspector Of Police (LAnd O),

P-2, Otteri Police Station, Chennai-12.

..Respondent(s)

Criminal Appeal filed under Section 374 of Criminal Procedure Code, 1973, seeking to set aside the conviction of the appellant in S.C.no.382 of 2006 dated 15.03.2012 by the learned Sessions Judge Magalir Neethimandram, Chennai.

For Appellant(s):

Mr.P.Gopalakrishnan

for M/s.S.Mazhaimeni Pandian

For Respondent(s):

Mr.A.Damodaran

Additional Public Prosecutor

assisted by

Ms.M.Arifa Thasneem



JUDGMENT

WEB COPY (Judgment of the Court was delivered by M.Jothiraman J.)

This Criminal Appeal has been filed to set aside the judgment of conviction and sentence in S.C.No.382 of 2006 dated 15.03.2012, passed by the learned Sessions Judge Magalir Neethimandram, Chennai, in and by which the appellant was convicted under Section 498(A) IPC and sentenced to undergo one year rigorous imprisonment with a fine of Rs.5,000/- and convicted under Section 302 IPC and sentenced to undergo life imprisonment with a fine of Rs.10,000/- in default to undergo one month simple imprisonment and the sentences were ordered to run concurrently.

2. The brief case of the prosecution is as follows:

2.1. The deceased was married to the accused about five years prior to the occurrence. It is the prosecution case that the accused, suspecting the fidelity of his wife and being unemployed, subjected her to continuous cruelty and physical assault. Unable to bear the harassment, the deceased had earlier stayed with her mother (P.W.1) for a considerable period. Subsequently, upon the assurance given by the accused that he would mend his ways and take proper care of his wife, a separate residence was arranged for them at Chennai. However, the accused allegedly continued to ill treat the deceased by beating and strangulating her.



2.2. On 14.08.2005, following a serious assault, the deceased was found unconscious and was taken to the hospital by the accused. Based on the complaint lodged by PW1, a case was registered. Despite medical treatment, the deceased succumbed to the injuries. The postmortem report revealed that the death was due to compression of the neck, an unnatural cause. Therefore, the prosecution alleges that the accused is responsible for causing the death of his wife.

2.3. PW1- Tmt.Kodi Pavunu, the mother of the deceased, deposed that her second daughter was married to the accused about five years prior to the date of occurrence. According to her, the accused, who was unemployed, used to subject the deceased to cruelty. Unable to bear the harassment, the deceased, along with her children, stayed at PW1's house for about 1 ¼ year. Thereafter, the accused assured that he had reformed and promised to live peacefully with his wife. Believing his assurance, PW1 arranged a rented house at Chennai by paying Rs.3,000/- and sent her daughter to reside with the accused. PW1 also stayed with her daughter for five days and then returned back to her village, after giving them a peace of advise. When the deceased again complained about the conduct of the accused, PW1 sent her husband and brother to question him. Upon their intervention, the accused assured them that he would not assault his wife thereafter and that he would take proper care of her. However, the



deceased later informed PW1 that the accused continued to assault her, caused injury to her forehead, strangulated her, and hit her head against the wall and requested PW1 to visit her. On 17.08.2005, when PW1 went to the deceased house, she was informed by one Rajathi -PW3 that the deceased had been taken to the hospital in an unconscious state. After seeing the deceased being admitted in the hospital, PW1 lodged a complaint, which was marked as Ex.P1. After ten days of treatment, the deceased died.

2.4. PW2- Tr.Narasingu, brother of PW1 corroborated her evidence. He stated that the accused suspected the fidelity of the deceased and frequently assaulted her. Unable to bear the cruelty, the deceased stayed at PW1's house for three months. Three months prior to the occurrence, the accused promised that he would not assault his wife and take care of her. Thereafter, PW1 took the deceased to Chennai and arranged a separate residence. After a week, the deceased informed that the accused continued to commit cruelty and threatened to kill her within three days. On 16.08.2005, when PW2 and PW1 went to the house of the accused, they did not find the deceased there. On enquiry with PW3, they were informed that she had been taken to the hospital.

2.5. PW3-Tmt.Rajathi deposed that the accused and the deceased were residing in a portion on the first floor of her house. Whenever the deceased came to fetch water from the ground floor, she used to talk to PW3 and



appeared frightened on seeing the accused. The deceased informed her that the accused suspected her fidelity and beat her. On 14.08.2005, the deceased appeared tired and stated that the accused had quarrelled with her and that she wanted to go to her native place. That night, PW3 heard quarrels between them. On 15.08.2005 at about 09.00 a.m., she found the house locked and saw two or three persons taking the deceased to the hospital. When questioned, the accused informed that she had suffered fits and became unconscious. PW3 gave Rs.500/- for taking her to the hospital and later came to know that the deceased died.

2.6. PW4- Tmt.Rani deposed that she knew both the accused and the deceased. The deceased used to talk to her when the accused was not at home and had informed her that the accused suspected her fidelity and beat her. The couple frequently quarrelled. On 14.08.2005, the deceased informed that the accused had beaten her, pushed her to the floor, sat on her, and assaulted her. On the date of occurrence, PW4 heard loud quarrelling and the next day, she saw the accused taking the deceased to the hospital.

2.7. PW5 -Tmt.Malar, iron shop owner, deposed that she knew the accused and the deceased, who had been residing in the area for three months. The accused used to beat and strangulate the deceased and also assault her on the stomach. PW5 used to hear the cries of the deceased. When questioned, the



accused stated that it was a family matter. On 14.08.2005, the accused strangled the deceased, pushed her, grabbed her hand, hit her head towards the wall and assaulted her on the stomach. This was informed to the parents of the deceased and to the house owner-PW3. On 15.08.2005 at about 08.00 a.m., PW5 heard the deceased crying while being strangled, after which there was no sound.

2.8. PW7 – Tr.Vetrivel, neighbour of PW1, deposed that whenever the deceased wanted to speak to PW1, she used his mobile phone. He further stated that the accused suspected the fidelity of the deceased and tortured her. On 14.08.2005, the deceased informed that her husband had beaten and tortured her and requested to be taken back to her mother's house. The same was conveyed to PW1.

2.9. PW8 – Tr.Babu deposed that on 17.08.2005 at about 05.00 p.m., the police visited the scene of occurrence, prepared the Observation Mahazar-Ex.P8 and he attested his signature under Ex.P2.

2.10. PW10 – Tr.Kumaresan, then XVI Metropolitan Magistrate, Chennai deposed that on 17.08.2005 at 05.30 p.m., he received a requisition from the Inspector of Police, PW14 to record the dying declaration. He went to Kilpauk Government Hospital, Chennai, and the duty doctor informed him that the



deceased was in coma and unable to give statement. The requisition letter to record dying declaration is Ex.P3.

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2.11. PW11- Dr.Megajabin, deposed that on 15.08.2005 at 02.35 p.m., the deceased was brought by her husband in an unconscious state, and he issued the Accident Register copy, marked as Ex.P4.

2.12. PW12- Dr.C.Manoharan, who conducted postmortem, had issued the Postmortem Certificate and Final Opinion-Ex.P5, noting down the following injuries.

Injury: (1) Decubitus ulcers seen over gluteal region and scapula (++_

(2) Dark bluish contusion (sub cutaneous) 4 x 3 cm seen near Umbilicus (right side).

Heart; Normal in size. Petehical haemorrhage over apex of heart.

Cut section – All the chambers contain clotted blood.

Coronaries : Patent.

Hyoid Bone : Intact. Stomach: 100 cc of brown colour fluid present; No specific smell. Mucosa: Normal, congested. Lungs –

Cut section congested, Petehical Haemorrhage at the inter lobar tissue on both sides. Intestines- Distended with gas. Spleen: cut

section normal congested. Kidneys : cut section sub capsular haemorrhage in both kidneys with adrenal cortex haemorrhage.

Bladder; Empty. Uterus ; Normal in size, cut section: Empty.

Pelvis : Intact. Scalp; Intact. Bones; Intact. Membranes: Intact.

Brain; Surface vessels are Dilated. Sulci narrowed, Gyri flattened. Spinal Column, Intact.

After receiving the Chemical Analysis Report (Ex.P6), he opined that the deceased died due to compression over the neck, which is an unnatural cause.



2.13. PW13- Mr.Amal Stanley Anandh, then Sub Inspector of Police, deposed that on 17.08.2005, PW1 appeared before him and gave a statement. Based on the same, he registered a case in Crime No.2159 of 2005 under Section 307 IPC and prepared the First Information Report, marked as Ex.P7, and forwarded it to the Court and higher officials.

2.14. PW14, Naveen Chandra Nagesh, Inspector of Police, deposed that he received a copy of the F.I.R from PW13, took up the case for investigation and proceeded to the place of occurrence on 17.08.2005 at 05.00 p.m. In the presence of witnesses, Babu/PW8 and Murugan, he prepared the Observation Mahazar -Ex.P8 and Rough Sketch-Ex.P9. He examined the witnesses and recorded their statements. Thereafter, he went to Kilpauk Medical College and Hospital. Upon knowing that the deceased was unconscious and unable to give a statement, he sent a requisition to the concerned Metropolitan Magistrate, Chennai for recording her dying declaration. The said requisition was marked as Ex.P3.

2.15. In continuation of the investigation, on 18.08.2005 at about 03.00 p.m., the accused was arrested in the presence of Ganesan and Charles. Upon enquiry, the accused voluntarily gave a confession statement. Thereafter, he was taken to the police station and remanded to judicial custody. On 20.08.2005,



despite medical treatment, the deceased succumbed to her injuries.

Consequently, the offence was altered from Section 307 IPC to 302 IPC, and the alteration report was marked as Ex.P11. On the following morning, P.W.14 went to the mortuary and conducted an inquest over the dead body in the presence of Panchayatdars and witnesses and prepared the Inquest Report, which was marked as Ex.P.12. Thereafter, he sent a requisition to the Medical Officer to conduct an autopsy on the body. He further examined witnesses and recorded their statements. Upon completion of the investigation, he laid the final report.

2.16. In order to prove the guilt of the accused, the prosecution examined PW1 to PW14 and marked documents Ex.P1 to Ex.P12. Upon completion of the prosecution side evidence, the accused was questioned under Section 313 Cr.P.C with regard to the incriminating evidences adduced against him. The accused denied the same as false. No witnesses were examined and no documents were marked on the side of the defence.

3. Upon appreciation of the oral and documentary evidence, the Court below found the accused guilty of the offences under Sections 498(A) and 302 IPC and convicted and sentenced him to undergo one year rigorous imprisonment with a fine of Rs.5,000/-, in default to undergo further period of one month simple imprisonment under Section 498(A) IPC and sentenced to



undergo life imprisonment with a fine of Rs.10,000/-, in default to undergo further period of one month simple imprisonment under Section 302 IPC.

Aggrieved by the same, the accused / appellant has preferred the present Criminal Appeal.

4. The learned counsel for the accused / appellant submitted that the Trial Court erroneously convicted the appellant solely relying upon the evidence of PW1, whose testimony is inconsistent with that of other prosecution witnesses. He contended that there is no evidence to establish the motive of the accused or to prove that he physically assaulted the deceased and caused injuries leading to her death. He further submitted that the Trial Court improperly relied upon the evidence of PW3 and PW4, which is unsustainable in law. It is further submitted that though the deceased allegedly telephoned PW1 on 14.08.2005 requesting her to come to her house, PW1 came there only on 17.08.2005 and, after seeing the deceased in the Hospital, gave oral complaint to the Sub Inspector of Police. The learned counsel also contended that the accused had taken the deceased to the hospital as she suffered fits and that the persons who accompanied the accused to the hospital were not examined by the prosecution. He further pointed out contradictions between the evidence of P.W.3 and P.W.4. While P.W.3 deposed that on the night of 14.08.2005 the appellant left the house and returned the next morning, P.W.4 deposed that he heard quarrelling between the accused and the deceased on the night of the occurrence. Therefore,



the judgement of Trial Court is contrary to the evidence on record and that the appellant has been erroneously convicted and sentenced.

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5. *Per contra*, the learned Additional Public Prosecutor appearing for the respondent submitted that the motive for the commission of the offence was clearly spoken to by PW1, the mother of the deceased, PW2, her brother, PW3, the house owner, and PW4, the neighbour. They have categorically deposed that the accused suspected the fidelity of the deceased, tortured her and assaulted her. The learned Additional Public Prosecutor would further submit that the evidence of PW3 and PW4 corroborates the testimony of PW1 and PW2 that on 14.08.2005, the accused assaulted the deceased and pushed her against the wall. The deceased is said to have informed the same to PW1. On the next day, when PW1 and PW2 went to the house of the accused, they found that the deceased was not there. On enquiry with PW3 and PW4, they came to know that the accused had taken the deceased to the hospital in an auto. The evidence of PW1 and PW2 is fully corroborated by the medical evidence. The doctor who conducted the autopsy clearly opined that the deceased would have died due to strangulation, as the blood supply was prevented, resulting in haemorrhage. Upon appreciation of the oral and documentary evidence, the Trial Court rightly found that the prosecution had proved the case beyond reasonable doubt and established the charges against the accused.



6. We have carefully considered the rival submissions and perused the records carefully.

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7. There is no direct eyewitness to the occurrence and the prosecution case rests upon circumstantial evidence. In such cases, each circumstance relied upon by the prosecution must be clearly established and the chain of circumstances must be complete, pointing only towards the guilt of the accused and ruling out any other hypothesis. As per the evidence of PW1, the accused used to subject the deceased to cruelty and unable to bear the harassment, the deceased, along with her children, stayed at PW1's house for about 1 ¼ year. Believing the assurance of the accused that he would reform and live peacefully with his wife, PW1 arranged a rented house at Chennai by paying Rs.3,000/- and sent her daughter to reside with the accused. PW1 also stayed with her daughter for five days and then returned back to her village, after giving them a peace of advise. When the deceased again complained about the conduct of the accused, PW1 sent her husband and brother to question him. Upon their intervention, the accused assured them that he would not assault his wife thereafter and that he would take proper care of her. However, the deceased later informed PW1 that the accused continued to assault her, caused injury to her forehead, strangulated her, and hit her head against the wall and requested PW1 to visit her. On 17.08.2005, when PW1 went to the deceased house, she was informed by one Rajathi -PW3 that the deceased had been taken to the



hospital in an unconscious state. After seeing the deceased being admitted in the hospital, PW1 lodged a complaint, which was marked as Ex.P1 and after ten days of treatment, the deceased died.

8. As per the evidence of PW2 / brother of PW1 and who corroborated the evidence of PW1, the accused suspected the fidelity of the deceased and frequently assaulted her and unable to bear the cruelty, the deceased stayed at PW1's house for three months. Three months prior to the occurrence, the accused promised that he would not assault his wife and take care of her. Thereafter, PW1 took the deceased to Chennai and arranged a separate residence. After a week, the deceased informed that the accused continued to commit cruelty and threatened to kill her within three days. On 16.08.2005, when PW2 and PW1 went to the house of the accused, they did not find the deceased there. On enquiry with PW3, they were informed that she had been taken to the hospital.

9. The evidence of PW1 / mother of the deceased and PW2 / maternal uncle of the deceased clearly establishes the motive for the occurrence. Their testimonies consistently disclose that the accused suspected the fidelity of the deceased and subjected her to continuous cruelty and physical assault. They have spoken about prior instances of harassment and the complaints made by the deceased shortly before the occurrence. Their evidence remains consistent



and inspires confidence.

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10. As per the evidence of PW3, who is the houseowner of the deceased, the accused and the deceased were residing in a portion on the first floor of her house and whenever the deceased came to fetch water from the ground floor, she used to talk to PW3 and appeared frightened on seeing the accused. The deceased informed PW3 that the accused suspected her fidelity and beat her. On 14.08.2005, the deceased appeared tired and stated that the accused had quarrelled with her and that she wanted to go to her native place. That night, PW3 heard quarrels between them. On 15.08.2005 at about 09.00 a.m., she found the house locked and saw two or three persons taking the deceased to the hospital. When questioned, the accused informed that she had suffered fits and became unconscious. PW3 gave Rs.500/- for taking her to the hospital and later came to know that the deceased died.

11. PW4, in her chief examination, stated that she knew both the accused and the deceased. The deceased used to talk to her when the accused was not at home and had informed her that the accused suspected her fidelity and beat her. The couple frequently quarrelled with each other. On 14.08.2005, the deceased informed that the accused had beaten her, pushed her to the floor, sat on her, and assaulted her. On the date of occurrence, PW4 heard loud quarrelling and the next day, she saw the accused taking the deceased to the hospital.



12. The testimonies of PW3 / house owner and PW4/ neighbour, are significant and independent in nature. Both have deposed about the quarrel between the accused and the deceased on the night preceding the occurrence. P.W.3 has further stated that on the following morning, the deceased was taken to the hospital in an unconscious condition by the accused. The explanation given by the accused at that time was that the deceased had suffered fits. Their evidence corroborates the version of P.W.1 and P.W.2 regarding the strained marital relationship and the assault.

13. PW5, an independent witness residing and having iron shop business in the same locality, has also spoken about the frequent quarrels and assaults committed by the accused against the deceased. She has deposed that she had heard the cries of the deceased and that the accused used to beat her. Though part of her evidence is based on what was informed by the deceased, it lends support to the prosecution case regarding prior cruelty and harassment.

14. PW10, the then Metropolitan Magistrate, has stated that on receipt of a requisition, he proceeded to the hospital to record the statement of the deceased. However, finding her unconscious and not in a fit state of mind to give a statement, he did not record any dying declaration. This evidence indicates that the deceased was in a serious and unconscious condition immediately after the incident.



15. PW11, the doctor who initially examined the deceased, has deposed that she was brought to the hospital in an unconscious state. PW12 / doctor who conducted post-mortem and issued Postmortem Certificate under Ex.P5, has clearly opined that the death was due to strangulation, as the blood supply to the brain was obstructed, resulting in haemorrhage. The medical evidence conclusively establishes that the death was homicidal in nature.

16. PW13, the Sub-Inspector of Police, has clearly spoken about the receipt of the complaint- Ex.P1 from PW1 and the registration of FIR – Ex.P7 initially under Section 307 IPC. PW14, the Investigating Officer, has deposed about the steps taken during investigation, including visiting the scene of occurrence, preparing the Observation Mahazar and Rough Sketch, arresting the accused, recording the confession statement and conducting inquest after the death of the deceased. Upon the death of the victim, PW14 altered the Section 302 IPC and issued the Alteration Report- Ex.P11.

17. The defence plea that the deceased died due to fits is not supported by any acceptable medical evidence. No document has been produced to establish that the deceased had a history of epilepsy. Even the earliest medical records do not substantiate such a claim. The explanation offered by the accused is therefore not convincing.

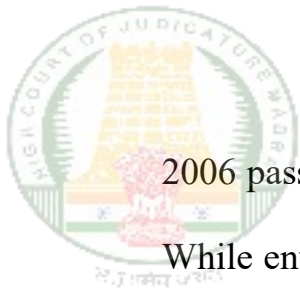


18. It is also relevant that the deceased was in the exclusive company of the accused at the relevant time. The accused, when examined under Section 313 Cr.P.C., has merely denied the incriminating circumstances and has not offered any plausible explanation as to how the deceased sustained fatal injuries while in his custody. In such circumstances, the burden under Section 106 of the Indian Evidence Act lies upon the accused to explain the facts within his special knowledge, which he has failed to discharge.

19. The circumstances proved by the prosecution, namely the motive arising out of suspicion and cruelty, the quarrel on the previous night, the deceased being taken to the hospital in an unconscious state by the accused, and the medical evidence establishing death by strangulation, form a complete and unbroken chain pointing unerringly towards the guilt of the accused.

20. On a careful re-appreciation of the entire evidence, this Court finds that the Trial Court has properly analysed the materials on record and rightly convicted the accused. There is no perversity or illegality in the judgment of conviction and sentence passed by the Trial Court warranting interference.

21. Accordingly, the Criminal Appeal is dismissed, confirming the judgment of conviction and sentence dated 15.03.2013 made in S.C.No.382 of



2006 passed by the learned Sessions Judge, Magalir Neethimandaram, Chennai.

While entertaining the appeal, the appellant was granted suspension of sentence by this Court, pending appeal. In the light of dismissal of this appeal, the respondent police shall secure the presence of the accused to undergo the remaining period of sentence.

(P.V.,J.) (M.J.R.,J.)
11-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ANU / Jvm

To

1. The Inspector Of Police (I And O), P-2, Otteri
Police Station, Chennai-12.

2. The Sessions Judge,
Magalir Neethimandaram, Chennai.

3. The Public Prosecutor,
High Court, Madras.



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**P.VELMURUGAN, J.
AND
M.JOTHIRAMAN, J.**

ANU / Jvm

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