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Crl.A.No.47



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Dated : 12.02.2026**

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN  
and  
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.A.No.473 of 2019

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R.Selvi

.. Appellant

Vs.

1. State of Tamil Nadu  
Represented by Inspector of Police  
Paradarami Police Station  
Paradarami, Vellore District

2. S.Perumal

... Respondents

Criminal Appeal filed under Section 372 of Cr.P.C., to set aside the order of acquittal passed in S.C.No.170 of 2018 by the Additional District and Sessions Judge (FTC), Vellore District on 06.03.2019 and convict the 2<sup>nd</sup> respondent/accused under Sections 302 and 201 of IPC.

|               |                                                                                     |
|---------------|-------------------------------------------------------------------------------------|
| For Appellant | : Mr.K.G.Senthil Kumar                                                              |
| For R1        | : Mr.A.Damodaran<br>Additional Public Prosecutor<br>assisted by Ms.M.Arifa Thasneem |
| For R2        | : Mr.R.Vivekananthan<br>for Mr.S.N.Subramani                                        |



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## JUDGMENT

(The Order of the Court was made by P.Velmurugan, J)

This Criminal Appeal has been filed to set aside the judgment of acquittal passed in S.C.No.170 of 2018 by the learned Additional District and Sessions Judge (FTC), Vellore District on 06.03.2019 and convict the 2<sup>nd</sup> respondent/accused under Sections 302 and 201 of IPC.

2. The defacto complainant/appellant is the mother of the deceased. The marriage between the deceased and the 2<sup>nd</sup> respondent took place on 08.11.2010 and they were blessed with one boy and one girl child. The 2<sup>nd</sup> respondent was working in the Army in Assam. Whenever the 2<sup>nd</sup> respondent comes to native, he used to beat and harass the deceased by suspecting her fidelity. In June 2017, the 2<sup>nd</sup> respondent came to his native on leave and was staying along with the deceased. On 10.07.2017 at about 9 a.m., the deceased had called her husband and informed that the 2<sup>nd</sup> respondent was beating her and asked him to take her from there. Subsequently, at about 10.45 a.m., the neighbour of the 2<sup>nd</sup> respondent called her husband and informed that the deceased committed suicide by hanging. Immediately P.W.1 and others rushed to the occurrence place and the deceased was found lying on the floor. There were bruises on the body of the deceased. Therefore, the mother of the deceased lodged a complaint against the 2<sup>nd</sup> respondent.

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3. Based on the complaint lodged by the mother of the deceased, the respondent police initially registered the case in Crime No.84 of 2017 under Section 174(3) Cr.P.C.

Thereafter, the investigation revealed that the 2<sup>nd</sup> respondent used to quarrel with the deceased by suspecting her fidelity and also beaten her and on 10.07.2017, when the deceased was sitting alone in the bedroom, the 2<sup>nd</sup> respondent strangled the neck of deceased with a plastic rope and after the deceased died, by using the same rope, he hanged the deceased in the ceiling hook and left the house. After some time, he came home and staged a drama as if, the deceased committed suicide. Hence, the 1<sup>st</sup> respondent police filed the charge sheet for the offences under Sections 302 and 201 IPC against the 2<sup>nd</sup> respondent, before the Judicial Magistrate, Gudiyatham, and the same was taken on file in P.R.C.No.16 of 2018. The learned Judicial Magistrate, after completing the formalities under Section 207 Cr.P.C., committed the case to the Principal District and Sessions Judge, Vellore since the offence is exclusively triable by the Court of Sessions and the same was taken on file in S.C.No.170 of 2018 and made over to Additional District and Sessions Judge (FTC), Vellore District for disposal. The learned Sessions Judge, after perusal of materials and being satisfied that *prima facie* evidence available as against the accused for the alleged offences under Section 302 and 201 IPC, framed charges for the offences under Section 302 and 201 IPC and when the



charges were read over and explained to the accused, he denied the same and claimed to be tried for the offence.

4. The learned trial Judge, after completing the formalities, commenced the trial and during trial, in order to substantiate the charges framed against the accused, on the side of the prosecution, totally as many as 7 witnesses were examined as P.W.1 to P.W.7 and 16 documents were marked as Exs.P.1 to P.16, besides, 4 material objects were exhibited as M.O.1 and M.O.4. However, on the side of the defence, no oral and documentary evidence was let in.

5. After completion of trial and upon hearing the arguments advanced on either side, the trial Court found the accused/2<sup>nd</sup> respondent not guilty of the charged offences and thereby, acquitted him.

6. Aggrieved by the judgment of acquittal, the defacto complainant/mother of the deceased has filed the present appeal. However, the prosecution has not filed any appeal challenging the judgment of acquittal.

7. The learned counsel for the appellant/defacto complainant submitted that the 2<sup>nd</sup> respondent is the husband of the deceased. The 2<sup>nd</sup> respondent was working in the Army in Assam. Whenever he comes to his native, he used to beat and harass the deceased by suspecting her fidelity. During the relevant point of time, the 2<sup>nd</sup> respondent came to his native place on leave and was staying with the deceased. While so, on 10.07.2017, the



2<sup>nd</sup> respondent had beaten the deceased and strangled her and thereafter, informed to the father of the deceased through his neighbour as if the deceased committed suicide by hanging. Immediately, the parents of the deceased rushed to occurrence place and they found the deceased lying on the floor. The learned counsel further submitted that none of the witnesses had seen the deceased in hanging position. The 2<sup>nd</sup> respondent neither informed about the death of the deceased directly to the parents of the deceased nor informed to the police. The learned counsel submitted that no prudent man, when finding a person dying unnaturally/suspicious manner, would destroy or alter the evidence like cutting the rope etc., whereas, in this case, the 2<sup>nd</sup> respondent is not a lay man and he was working in the Army. However, before the arrival of witnesses and the authorities concerned, the 2<sup>nd</sup> respondent cut the rope and laid the body of the deceased on the floor. Further, prior to the occurrence, the deceased had called her father and informed that the 2<sup>nd</sup> respondent was beating her and subsequently, within two hours, the neighbour of the 2<sup>nd</sup> respondent called the father of the deceased and informed that the deceased committed suicide. Hence, the mother of the deceased lodged a complaint to the respondent police based on which, the respondent police registered a case and after investigation, since the respondent police found that it was a case of murder and 2<sup>nd</sup> respondent had strangled the deceased, laid the charge sheet against the 2<sup>nd</sup> respondent.



7.1 The learned counsel for the appellant further submitted that the mother of the deceased was examined as P.W.1 and she has clearly stated that on the date of occurrence at about 9 a.m., the deceased had called her husband and informed that the 2<sup>nd</sup> respondent was beating her and asked him to take her from there. Subsequently, at about 10.45 a.m., the neighbour of the 2<sup>nd</sup> respondent called her husband and informed that the deceased committed suicide by hanging. Immediately they rushed to the occurrence place, where the body of the deceased was kept on the floor and they also found some other injuries on the body. P.W.2 is the person who arranged the marriage between the 2<sup>nd</sup> respondent and the deceased and she has spoken about the frequent quarrels between the 2<sup>nd</sup> respondent and the deceased. P.W.2 has further stated that she saw the body of the deceased in the bed room; she had sustained injuries; bangles were found broken; the house was in disarray; there was a rope next to the body and the villagers informed that it was the rope used to hang. Further, the doctor who conducted post-mortem on the deceased was examined as P.W.5 and she has given opinion that the death was caused by strangulation.

7.2 The learned counsel for the appellant further submitted that though the prosecution proved its case beyond all reasonable doubt, the trial Court acquitted the 2<sup>nd</sup> respondent on the ground of faulty investigation done by the Investigating Officer. The learned counsel further submitted that when the medical evidence clearly shows that it is



a case of strangulation by using a rope, the mere non production of material objects will not throw away the prosecution case and mere defect in investigation is not fatal to the case of the prosecution. Since the State had not filed any appeal, the victim/defacto complainant/mother of the deceased has filed the present appeal.

8. The learned Additional Public Prosecutor appearing for the 1<sup>st</sup> respondent/Police submitted that the 2<sup>nd</sup> respondent who is the husband of the deceased was working in the Army in Assam. Whenever he comes to the native place, he used to quarrel with the deceased by suspecting her chastity. On 20.06.2017, the 2<sup>nd</sup> respondent had come to his native on leave and he asked the deceased to come to Army quarters. Since the deceased refused to come, quarreled with the deceased by suspecting her character. In continuation of the same, on 10.07.2017, when the deceased was sitting alone in the bedroom, the 2<sup>nd</sup> respondent strangled the deceased to death, by using a plastic rope. In order to prove the case of the prosecution, on the side of the prosecution 7 witnesses were examined in which, the mother of the deceased was examined as P.W.1 and she has clearly spoken about the frequent quarrel made by the 2<sup>nd</sup> respondent by suspecting the chastity of the deceased and she has also stated that on the date of occurrence at about 9 a.m., the deceased had called her husband and informed that the 2<sup>nd</sup> respondent was beating her. Subsequently, at about 10.45 a.m., the neighbour of the 2<sup>nd</sup> respondent called her husband and informed that the deceased committed suicide by



hanging and when the rushed to the occurrence place, the body of the deceased was kept on the floor and there were injuries on the body of the deceased. Even the doctor/P.W.5 who conducted post-mortem on the deceased, has opined that the deceased would appear to have died of asphyxia due to ligature strangulation. Though the prosecution proved its case through oral and medical evidence, as stated by the learned counsel for the appellant, the trial Court acquitted the 2<sup>nd</sup> respondent on the ground of faulty investigation done by the Investigating Officer/P.W.7 and R.D.O./P.W.4. Further, the learned Sessions Judge has given direction to the District Collector and the Superintendent of Police, Vellore to take appropriate action against P.W.4 and P.W.7.

8.1 The learned Additional Public Prosecutor also submitted that mere non production of material objects, will not throw away the prosecution case. If at all the deceased had committed suicide, the 2<sup>nd</sup> respondent ought to have informed the police immediately or he ought to have waited till the arrival of the authorities, whereas, before the arrival of other witnesses and authorities, the 2<sup>nd</sup> respondent cut down the rope and kept the body of the deceased on the floor and none of the witnesses had seen the deceased in hanging position. Further, the 2<sup>nd</sup> respondent arrived to his native only on 20.06.2017 and was staying with the deceased and within 20 days i.e. on 10.07.2017, the deceased died in a suspicious manner. When the husband and wife were living together under one roof and one of the inmates dies in a suspicious manner, it is for the other



inmate to explain the same. Though the 2<sup>nd</sup> respondent has stated before the RDO that at the time of occurrence, he was not present in the house and he had gone to E.B. Office, he has not proved the same. Though the RDO report shows that there was no demand of dowry and the death could be a suicide due to difference of opinion between the husband and wife, from the evidence of P.W.1, P.W.2 and P.W.5 and Ex.P.7 and Ex.P.8/medical evidence, the prosecution proved its case beyond all reasonable doubt. Therefore, this appeal has to be allowed and the 2<sup>nd</sup> respondent has to be convicted for the charged offences.

9. Per contra, the learned counsel for the 2<sup>nd</sup> respondent/accused submitted that P.W.1 is not an eyewitness to the occurrence and she is the mother of the deceased and also an interested witness. There are embellishment and exaggerations in the case of the prosecution. As per the prosecution, the 2<sup>nd</sup> respondent had informed about the suicide of the deceased initially to his neighbours and thereafter, one of his neighbours namely Jaishankar had informed about the same to the father of the deceased. However, the father of the deceased was not examined. Further P.W.1, in her evidence has stated that her grand daughter, namely the daughter of the deceased had informed her that her father/2<sup>nd</sup> respondent only beaten her mother/deceased and hanged her. However, the daughter of the deceased was also not examined on the side of the prosecution. Further, the RDO report clearly shows that there was no demand of dowry and the death could be



a suicide due to difference of opinion between the husband and wife, The learned counsel further submitted that at the time of occurrence, the 2<sup>nd</sup> respondent had gone to E.B. Office and he was not present in the house and the same was also informed to the Revenue Divisional Officer (RDO) during enquiry. On the date of occurrence i.e. 10.07.2017, after quarreling with the deceased, the 2<sup>nd</sup> respondent left to E.B. Office and when he returned home at about 11.15 a.m., he asked his daughter about the deceased for which, his daughter told him that she doesn't know. Thereafter, when the 2<sup>nd</sup> respondent opened the bedroom door, the deceased was found hanging from a ceiling hook. Upon seeing this, he raised an alarm and on hearing the same, his neighbours one Krishnaveni and Jaishankar arrived. Thereafter, his neighbour Jaishankar informed to the parents of the deceased. Even the medical evidence is not clear that it was a strangulation and not suicide. Except the ligature mark there is no other external injuries. Therefore, the prosecution has not proved its case that the 2<sup>nd</sup> respondent only caused the death of the deceased by strangulation.

9.1 The learned counsel further submitted that the actual ligature material seized from the scene of occurrence was not produced by the prosecution. The material objects marked as M.O.1 to M.O.3 are not the actual ligature material shown to the doctor/P.W.5 at the time of post-mortem. In the absence of the same, no adverse inference can be drawn against the accused. Further, the material objects M.O.1 to M.O.4 were sent to the



Court belatedly after a year i.e. on 24.05.2018. Therefore, the prosecution miserably failed to prove its case as projected by them and failed to substantiate the charges framed against the 2<sup>nd</sup> respondent. Even P.W.2 has clearly deposed that there was a rope near the body of the deceased and the villagers informed that the deceased committed suicide by using that rope, but that rope was not in the Court. Even P.W.5/doctor has deposed that the material objects Nylon ropes found in the Court are not the one shown to her during post-mortem. Unfortunately, the investigation agency has not conducted the investigation properly.

9.2 The learned counsel further submitted that when there is no eyewitness and the prosecution has not established that the accused only had caused the death of the deceased and when two views are possible, the benefit of doubt always goes in favour of the accused. Therefore, the trial Court rightly appreciated the evidence and acquitted the 2<sup>nd</sup> respondent. Even the prosecution had not filed any appeal against the judgment of acquittal. But the mother of the deceased only has filed this appeal implicating the 2<sup>nd</sup> respondent as an accused. Therefore, there is no merit in this appeal and the same is liable to be dismissed. To support his contention, the learned counsel relied upon the following judgments:

*1. In Tomaso Bruno and another vs. State of Uttar Pradesh  
reported in (2015) 7 SCC 178.*



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2. *In Nusrat Parween Vs. State of Jharkhan reported in 2024 SCC Online SC 3683.*

3. *In Jagdish Gond Vs. State of Chhattisgarh and Others reported in 2025 SCC Online SC 744.*

4. *In Shivaji Chintappa Patil Vs. State of Maharashtra reported in (2021) 5 SCC 626.*

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

11. In this case, on the side of the prosecution 7 witnesses were examined as P.W.1 to P.W.7 in which, P.W.1 is the mother of the deceased. P.W.2 is the person who arranged marriage between the deceased and the 2<sup>nd</sup> respondent. P.W.4 is the Revenue Divisional Officer. P.W.5 is the doctor who conducted post-mortem on the body of the deceased.

12. P.W.1 in her evidence has clearly stated that the marriage between the deceased and 2<sup>nd</sup> respondent was held on 08.11.2010 and they were blessed with one boy and girl. For about 1 year after the marriage, their relationship was good. Subsequently, the 2<sup>nd</sup> respondent used to beat and harass the deceased by suspecting her fidelity and there were frequent quarrels between them and Panchayath was also conducted in this regard. The 2<sup>nd</sup> respondent was working in the Army in Assam. Earlier, the 2<sup>nd</sup> respondent took the deceased to Assam and there also he quarreled with the deceased. The deceased informed the same to her father and her father asked the deceased to give a



complaint to the Superior of the 2<sup>nd</sup> respondent. Thereafter, since the 2<sup>nd</sup> respondent tendered apology, she did not give any complaint. Subsequently, the deceased came to native and residing separately. While so, in the month of June 2017, the 2<sup>nd</sup> respondent came to native on leave and was staying along with the deceased. On 10.07.2017 at about 9 a.m., the deceased called her husband and informed that the 2<sup>nd</sup> respondent was beating her and asked him to take her from there. Subsequently, at about 10.45 a.m., the neighbour of the 2<sup>nd</sup> respondent called her husband and informed that the deceased committed suicide by hanging. Immediately P.W.1 and others rushed to the occurrence place and the deceased was found lying on the floor. There were bruises on the body of the deceased. Therefore, she preferred a complaint against the 2<sup>nd</sup> respondent.

13. A reading of the evidence of P.W.1 shows that the 2<sup>nd</sup> respondent was working in the Army in Assam and thereafter, transferred to Bangalore. Whenever, the 2<sup>nd</sup> respondent comes to native on leave, he used to quarrel with the deceased by suspecting her chastity. During the relevant point of time, the 2<sup>nd</sup> respondent was present in the native place and he was staying along with the deceased. On 10.07.2017 at about 9 a.m., the deceased had called his father and informed that the 2<sup>nd</sup> respondent was beating her and asked his father to take her with him. Subsequently, at about 10.45 a.m., the 2<sup>nd</sup> respondent has called the father of the deceased through his neighbour and informed that the deceased has committed suicide by hanging. Therefore, the evidence of P.W.1 clearly



shows that the 2<sup>nd</sup> respondent was present in the house at the time of occurrence. Though the 2<sup>nd</sup> respondent took the plea of *alibi* that at the time of occurrence he had gone to E.B. Office and was not present in the house and the same was also informed during RDO enquiry, he has not established the same.

14. P.W.2 has spoken about the quarrel between the deceased and the 2<sup>nd</sup> respondent alleged to have been informed by the deceased.

15. Before the Revenue Divisional Officer (RDO), the accused/2<sup>nd</sup> respondent has stated that he was working in Assam and he had come to native on 20.06.2017 and staying with the deceased and children and he was planning to take them to Ahmedabad on 12.07.2017, however, the deceased refused to come and therefore, there was a quarrel between them; again on 10.07.2017, there was a quarrel between them in respect of preparing food and thereafter, he left to E.B. Office and when returned home at 11.15 a.m., the deceased was found hanging in the ceiling hook.

16. When the husband and wife were living together under one roof and one of the inmates dies in a suspicious manner, it is for the other inmate to explain the same. In this case, the 2<sup>nd</sup> respondent had come to native on 20.06.2017 and on the date of occurrence i.e. on 10.07.2017, he was staying with his wife and his wife died in a suspicious manner, which itself creates suspicion. Further, before the RDO, the 2<sup>nd</sup> respondent has stated that after returning from E.B. Office, when he opened the door, he



found the deceased was hanging from the ceiling hook. If one wants to commit suicide, certainly he/she would have locked the door inside and commit suicide, whereas, in this case the room door in which, the deceased alleged to have committed suicide was not locked and there is no evidence to show that the door was locked and subsequently, either the 2<sup>nd</sup> respondent or the neighbours broke open the door.

17. Further, the evidence of witnesses shows that before they went to the scene of occurrence, the rope was cut and the body of the deceased was kept on the floor which also creates doubt. Except the 2<sup>nd</sup> respondent, none of the witnesses have stated that they saw the deceased in hanging position. Though RDO report shows that there was no dowry demand and the death could be a suicide due to misunderstanding between the husband and wife, the evidence of doctor/P.W.5 shows that the deceased would appear to have died of Asphyxia due to Ligature Strangulation”.

18. Though according to the prosecution the 2<sup>nd</sup> respondent strangled the deceased after beating her and she sustained injury, and the injury is suspect from the medical evidence, it cannot be conclusively stated that it is a case of suicide.

19. Therefore, this Court invoking Section 106 of Indian Evidence Act finds that the deceased and the 2<sup>nd</sup> respondent were residing under one roof on the date of occurrence. Though the 2<sup>nd</sup> respondent took the plea of *alibi*, he has not established the



plea of *alibi* that at the relevant point of time he was not in the house and he was present in the E.B. Office.

20. The trial Court failed to appreciate the evidence of the prosecution witnesses and failed to consider the fact that the 2<sup>nd</sup> respondent has not discharged his burden regarding the plea of *alibi* and acquitted the 2<sup>nd</sup> respondent on the ground of defective investigation.

21. A combined reading of the evidence of P.W.1, P.W.2 including the medical evidence would show that the death of the deceased is suspicious and it cannot be accepted that it is a case of suicide. Therefore, this Court finds that the prosecution has proved the charges beyond reasonable doubt that the 2<sup>nd</sup> respondent has committed the charged offences. Mere defect in the investigation will not throw away the case of the prosecution. Therefore, this Court finds that the judgment of the trial Court is perverse. The decisions referred to by the learned counsel for the 2<sup>nd</sup> respondent is not applicable to the present case on hand and the facts and circumstances of the cases are distinguishable.

22. Accordingly, the judgment of the trial Court is set aside and the 2<sup>nd</sup> respondents/accused is convicted for the offences under Section 302 and 201 of IPC.

**23. Accordingly, this Criminal Appeal is allowed.**



24. In view of the judgment of reversal pronounced today convicting the 2<sup>nd</sup> respondent/accused for the charged offences, the 2<sup>nd</sup> respondent/accused is directed to appear before this Court on 19.02.2026 for hearing him on the question of sentence to be imposed against him, failing which the first respondent Police shall secure him and produce before this Court on the said date.

**25. Post on 19.02.2026.**

(P.V., J) (M.J.R., J)  
12.02.2026

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**Crl.A.No. 473 of 2019**

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

(Judgment of the Court was made by P.VELMURUGAN, J.)

This Court, by judgment dated 12.02.2026, found the second respondent/sole accused guilty of the offences punishable under Sections 302 and 201 of the Indian Penal Code and convicted him accordingly. Since it is a reversal judgment and the accused has to be heard on the question of sentence in respect of the mitigating circumstances, the matter was directed to be listed on 19.02.2026 for hearing on sentence.

2. Pursuant to the direction, today, second respondent/sole accused appeared before this Court.

3. Upon questioning, the second respondent/ sole accused denied the allegations, stating that a false case has been foisted against him and hence, he prays for a lesser punishment.



4. This Court has considered the submissions made by the second respondent/sole accused, on the question of sentence.

5. Having regard to the facts and circumstances of the case and the grave nature of the offence, this Court finds that the prosecution has proved that second respondent/sole accused committed the offences punishable under Sections 302 and 201 of the Indian Penal Code. Accordingly, for the offence under Section 302 of the Indian Penal Code, the second respondent/sole accused is sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-; in default of payment of fine, he shall undergo rigorous imprisonment for a further period of six months. Since the accused has been awarded the sentence of life imprisonment for the major offence, this Court is of the view that, in order to meet the ends of justice, no separate sentence is required to be imposed for the offence under Section 201 of the Indian Penal Code.

6. Since it is a reversal judgment and having regard to the facts and circumstances of the case, this Court directs the substantive sentence of imprisonment imposed on the second respondent/sole accused alone is suspended till the expiry of the period prescribed for filing an appeal, so as to enable him to prefer an appeal. It is made clear that, if the second respondent/sole accused has not preferred any appeal within the



stipulated period or obtained any order of suspension, the first respondent/State shall take necessary steps to secure him to undergo the sentence of imprisonment imposed by this Court.

[P.V.,J.] [M.J.R.,J.]

19.02.2026

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**Note :**

(i)Registry is directed to issue copy of the judgment by today itself (i.e, on 19.02.2026).



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To

1. The Additional District Sessions Judge (FTC),  
Vellore District
2. The Inspector of Police  
Paradarami Police Station  
Paradarami, Vellore District
3. The Public Prosecutor,  
High Court of Madras.

**Copy to:**

1. The Section Officer  
V.R. Section  
High Court of Madras
2. The Superintendent of Jail,  
Central Prison, Vellore.



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P.VELMURUGAN, J

and

M.JOTHIRAMAN, J

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