

Velu Vs. State

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Court : Chennai

Decided On : Jun-19-2014

Judge : The Hon'Ble Mrs. Justice Aruna Jagadeesan

Appellant : Velu

Respondent : State

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS DATED :

19. 06.2014 CORAM THE HONOURABLE MRS. JUSTICE ARUNA JAGADEESAN CRL.A.No.722 of 2011 1. Velu 2. Kaliasammal 3. Jaya 4. Kannan ..Appellants Vs State represented by Inspector of Police D3 Ice House Police Station Chennai. (Crime No.564/2006) ..Respondent Appeal filed under Section 374(2) Cr.P.C. against the judgment of the learned Sessions Judge (Mahalir Neethimanram) Chennai dated 21.10.2011 in S.C.No.358 of 2007. For Appellants : Mr.M.Rajavelu For Respondent : Mr.V.MR.Rajendran, Additional Public Prosecutor.

JUDGMENT

This appeal arising out of the judgment dated 21.10.2011 passed by the learned Sessions Judge, Mahalir Neethimanram, Chennai, in S.C.No.358 of 2007, has been preferred by the appellants/A1 to A4 who were convicted for the offence

under Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998 and sentenced to undergo 1 year rigorous imprisonment each and to pay a fine of Rs.10,000/- each in default to undergo one month simple imprisonment. 2.The facts disclosed from the prosecution case are as follows: i) The 1st appellant is the husband of the 2nd appellant. The 3rd appellant is the daughter of the defacto complainant's husband brother. The 4th appellant is the husband of the 3rd appellant. The 5th accused is not found guilty of the offences. ii) The prosecution case is that on 30.06.2006 around 7.00 p.m. all the accused along with one Unnamalai and Padmanabhan came to the defacto complainant's house and abused her daughter Lakshmi by using filthy language uttering to her that she was having illicit intimacy with the first accused and further uttered that instead of having illicit intimacy with the first accused she could die and also assaulted her. After some time, the victim Lakshmi was found hanging inside her house which was first seen by her sister. Thereafter, the deceased lodged a complaint to Ice House Police Station, on the basis of which a case came to be registered in Crime No.564/2006 under sections 147, 452, 294(b) and 306 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act.

3. In order to substantiate the charges, the prosecution examined 12 witnesses. The prosecution also marked 7 exhibits and marked 1 material object. No witness was examined on the side of the defence and no exhibits and no material objects were marked. Thereafter, the accused were questioned under section 313 Cr.P.C. as to the incriminating circumstances found in the prosecution case. They denied them as false. The trial Court after analysis of the entire evidence found the accused not guilty under section 306 IPC but convicted the accused 1 to 4 for the offence under section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1998 (hereinafter referred to as the Act).

4. Learned counsel for the the appellants took this Court to the entire evidence adduced by the prosecution and contended that assuming that the appellants uttered words against the victim girl, it cannot be said that the conduct and behaviour of the accused was such causing harassment to the victim.

5. I have gone through the evidence of P.Ws.1 to 4 carefully. P.W.1, the mother of the victim girl has categorically stated that prior to the occurrence, one Arumugam verbally abused the victim girl as having illicit intimacy with the first accused which necessitated the victim girl to give a complaint against the said Arumugam on 28.06.2006. Thereafter, on the date of occurrence, i.e., on 30.06.2006, all the accused came to the house of the victim girl and abused the victim girl questioning the conduct of the victim and abused her in filthy language. She has further stated that her daughter was assaulted by the accused. She had come to know the incident through her another daughter P.W.2 Viji. P.W.2 has spoken to the occurrence and her presence at the time of occurrence in the house cannot be doubted as she is the person who has first seen the deceased hanging. P.W.3 father of the deceased had stated that they used filthy language and abused the victim girl and also assaulted the victim girl, thus, causing mental agony to the victim girl. The evidence of P.Ws. 2 and 3 is corroborated by P.W.1 through she heard the incident through her daughter. The accusation against the appellants stood fully corroborated by the evidence of P.Ws. 1 to 4 and there is no explanation as to why those witnesses should depose against the accused when no motive or animus is alleged against them.

6. Admittedly, the victim is an unmarried girl. The utterance made by the accused 1 to 4/appellants that she was having illicit intimacy with the first accused certainly would have caused mental agony to the victim. The victim girl was made to expose herself to shame and ignominy in view of the utterance made by the appellants. Therefore, I am of the view that the trial Court has rightly found the accused /appellants guilty of the offence under section 4 of the said Act.

7. Considering the submissions made by the learned counsel for the appellants that the appellants have paid the fine as directed by the Court and taking into consideration the other facts and circumstances of the case, I am of the view that the sentence imposed on the appellants can be reduced to the period already undergone by them and the fine amount already deposited by the accused shall be paid to P.W.1 mother of the victim girl as compensation.

8. In the result, i) The criminal appeal is partly allowed. ii) The conviction imposed by the learned Sessions Judge, Mahalir Neethimanram, Chennai on the Appellants/Accused 1 to 4 for the offence 4 of the Tamil Nadu Prohibition of Harassment of Women Act 1998 is confirmed , however, the sentence of imprisonment is modified from one year rigorous imprisonment to that of the period already undergone by them. iii) The fine amount already deposited by the accused 1 to 4/ appellants shall be paid to P.W.1/mother of the victim girl on proper identification. 19.06.2014 Index:Yes/No Internet:Yes/No vsi To 1. The Sessions Judge, (Mahalir Needhimanram), Chennai.

2. The Inspector of Police D3 Ice House Police Station Chennai. 3.The Public Prosecutor, High Court, Chennai. ARUNA JAGADEESAN,J vsi Criminal Appeal No.722 of 2011 19.06.2014

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