

**In Re: Pattammal**

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**Court :** Chennai

**Decided On :** Apr-25-1940

**Reported in :** AIR1940Mad898; (1940)2MLJ315

**Appellant :** In Re: Pattammal

**Judgement :**

**Lakshmana Rao, J.**

1. The appellant is a dancing girl and she was charged with the murder of her paramour Murugesu Mudali. She was acquitted of that offence and has been convicted under Section 201(1), Indian Penal Code, for giving false information with intent to screen the offender from legal punishment and sentenced to rigorous imprisonment to three years.

2. Murugesu Mudali went to the house of the appellant about 3 P.M. on 15th July last and P.W. 5, the sweeper woman, found him and the appellant lying and chatting on a cot when she left the house about 4-30 P.M. There was none else in the house and the appellant came out some time later and shouted 'Akka, Akka, see the aniyayam'. The mother and sisters of the appellant who were near their house close by rushed into the house and P.Ws. 13 and 14 who were near P.W. 13's house next door ran up. The appellant requested them not to crowd and closed the door against them and P.Ws. 13 and 14 returned. But P.Ws. 15 and 16 who were near the opposite house went and knocked the door and the sister of

the; appellant opened it. P.Ws. 15 and 16 then went in and they found Murugesha Mudali partially reclining on the chest of the appellant in the room which was almost closed. He was unconscious and breathing heavily and P.Ws. 15 and 16 enquired what the matter was. The appellant stated that Murugesha Mudali complained of stomach ache, had a motion and was reduced to that condition and P.Ws. 15 and 16 suggested that he should be brought to the verandah. This was done and one of the sisters of the appellant asked P.W. 15 to fetch her paramour Sundaresa Pillai. He was brought and P.W. 8 was sent for. Pie was absent from his house and his son P.W. 6 was informed. P.W. 6 informed his brother P.W. 4 who was in the house of Murugesha Mudali and P.Ws. 4, 6 and 7' rushed to the spot. Murugesha Mudali was lying unconscious and P.W. 2 the Mission Doctor was sent for. P.W. 4 asked the appellant what the matter was and she stated:

We were chatting and lying. Mudaliar suddenly complained of stomach ache. He went to the latrine. He passed no stools. He returned. He had a hic-cup. He passed stools in his bed and then he became un-conscious.

3. But Murugesha Mudali was in fact reduced to that condition by throttling and he died on 18th July of pneumonia due to throttling. The information given by the appellant was therefore false and on her own statement to P.W. 4 there was none else in the house and she and Murugesha Mudali were lying and chatting. There is also the evidence of P.W. 5 the sweeper woman, to the same effect and whether or not the appellant had any hand in the matter Murugesha Mudali could not have been throttled without her knowledge. The information was thus false to her knowledge and it is obvious that it was given with intent to screen the offender from legal punishment. The information need not be given to the police or the Magistrate under Section 201, Indian Penal Code vide *The Queen v. Subramania Pillai* (1866) 3 M.H.C.R. 251 and it is immaterial whether that information is volunteered or given in reply to enquiries vide *Queen-Empress v. Ramji Sajabarao* I.L.R.(1885)10 Bom. 124 and *The Acting Public Prosecutor v. Chinnappa Reddi* (1892) Weir 118. The conviction under Section 201, Indian Penal Code, is therefore correct and in the circumstances of the case the sentence is not excessive.

4. The conviction and sentence are therefore confirmed and the appeal is dismissed.

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