

In Re: Thalappil Thithachumma

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Court : Chennai

Decided On : Jul-17-1940

Reported in : AIR1941Mad27; (1940)2MLJ551

Appellant : In Re: Thalappil Thithachumma

Judgement :

Burn, J.

1. This is one of the many cases of murder of a child for the sake of jewels worn upon the person. An unusual feature of the case is that the murder in this case was committed by a young woman aged about 20.

2. There is no possible doubt about the facts. On the 2nd January, 1940, the appellant decoyed a child named Katheesa aged twelve to her house, strangled her by putting a cloth round her neck and pulling it tight, took her silver jewels worth about Rs. 5 off and then threw the body into a well in the compound. With the jewels she went straightaway to a silver smith (P.W. 14) and requested him to make them over for her. The silver smith deducted one rupee weight of silver for his own wages and turned the rest of the jewels into chitters which were recovered from the appellant by the police very shortly afterwards. There was no eye-witness of this crime and the evidence against the appellant consist almost entirely of confessions made by herself. When she was questioned on the 3rd January by a member of the local Vigilance Committee (P.W. 11) it is alleged that she admitted

the murder. She was sent immediately to the Village Munsif (P.W. 3) and to him also she admitted her guilt and she made a statement which the Village Munsif reduced to writing (Ex. E). She was sent to the Sub-Magistrate and on the 6th February, the police asked the Sub-Magistrate to record her confession. The Sub-Magistrate having given the woman time for reflection till the 11th January recorded her confession which is Ex. B and finally when the preliminary investigation was being made the appellant said to the Magistrate, 'It is true that I killed Katheesa and took the jewels. I committed a folly. I have nothing else to state.' In the Sessions Court she retracted the confession before the Sub-Magistrate and she alleged that she had not made any confessions out of Court.

3. Her story was confirmed by the evidence of the younger sister of the deceased (P.W. 6) who said that on the morning of the 2nd January the appellant came and asked her sister Katheesa to go with her to pick tamarind. Katheesa never returned. The evidence of the silver smith (P.W. 14) also confirms her story. He produced the bits of silver (Material Objects 3, 3-a, 4, 4-a and 5) which he had kept for his own remuneration and he spoke to M. Os. 6 to 26 which he said he had made for the appellant out of the silver jewels brought to him on the 2nd January.

4. The appellant was advanced in pregnancy and has given birth to a child since this murder. This was apparently made a ground for urging before the learned Sessions Judge that the extreme sentence should not be passed; but the learned Sessions Judge, we think, has dealt with this matter, in the proper manner. He has pointed out that the crime was obviously committed after deliberation and in a brutal manner. There was no suggestion that the appellant was in any way unbalanced in mind or that she was unaware of the nature of her act or the consequences of it. There was no suggestion made at the trial that the appellant might not have been in full control of her faculties. The learned Sessions Judge has therefore said quite rightly that the existence of an extremely young baby born to the appellant since the murder might perhaps be taken into consideration by the Provincial Government when the appellant prefers an application for clemency but would not be a ground for passing the lesser sentence.

5. We agree with the learned Sessions Judge that the offence was clearly established. We confirm the conviction for murder and the sentence of death and dismiss this appeal.

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