

(Chava) Indrammal Vs. Emperor

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Court : Chennai

Decided On : Feb-14-1929

Reported in : AIR1929Mad667

Appellant : (Chava) Indrammal

Respondent : Emperor

Judgement :

Waller, J.

1. The appellant has been convicted of the murder of his wife, That they were on bad terms is abundantly clear. They lived together for several years, but he ill-treated her and in 1926 sent her back to her parents. In February 1928 her parents sent her back to him, being apprehensive that he was going to marry a second wife. Fifteen days later she was murdered. At the time there were living in the house appellant, his wife and his mother (P. W. 5) but on the actual night of the murder the appellant and his wife were alone. P.W. 5 spent that night with her brother. When she left, the appellant was on the outside pial, while his wife was inside the house. Early the next morning she returned and found her daughter-in-law dead and her son absent. The medical evidence discloses that the woman's death was due to throttling by manual pressure. Whatever the motive for her murder may have been, it was certainly not robbery, for all the jewellery she was wearing was found intact.

2. The evidence against the appellant is entirely circumstantial. It is proved that he was on very bad terms with his wife, that they were alone together that night and that during the night she was murdered. There is no doubt evidence that he was lying on the outside pial and that she had bolted the door and was inside the house, but P.W. 5, says that the door, though bolted, could easily be pushed open. She added at the inquest and before the Committing Magistrate that she found the door bolted when she came back in the morning. As something was sought to be made out of this statement in the appellant's petition of appeal, we decided to examine the Sub-Inspector who investigated the case. His evidence satisfied us that the bolt or rather latch was of such a kind that the appellant could have adjusted it while shutting the door.

3. The main evidence against the appellant is that of P.W. 18. He is a Brahmin by caste and professes to be a friend of the appellant. If his evidence is true and the appellant really confessed to him they must certainly have been on terms of confidence. His story is this. On 22nd February, he asked the appellant to bicycle with him to Chintapalli, the next morning. The appellant said that he had to appear in a case at Ramcahandrapuram which he had and would accompany him as far as that place. At about 3 a. m. the appellant came to his house and said that he was not going with him. The witness asked why and he replied:

You know that I and my wife are on bad terms. On account of that when I want to marry again, no one is willing to give me a girl. So I killed my wife thinking that somebody will give me his girl.

4. The witness reproached him and he went away. The witness told his parents what he had heard, went off to Chintapalli and was examined by the police on 25th when he returned. His evidence is, of course, vehemently attacked, but we see no reason to reject it. If he and the appellant were not friends, and we think that they were, it is clear that they were not enemies. We decline altogether to believe that he would, without any motive, have deliberately given false evidence which would have the effect of putting a rope round the neck of a possibly innocent man. It is easy to say that he should not be credited because he did not at once tell some one in authority what he had heard. That argument has little or no force in India,

where public spirit in matters of this kind is conspicuous by its absence. We are quite satisfied on two points that he was away at Chintapalli on 23rd and 24th and that he told his parents before he left what he had heard. The Sub-Inspector knew by the morning of 25th instant that P.W. 18 was in a position to give important information and he must have learnt that from the witness' father. We think that the Sessions Judge was fully justified in accepting the evidence of P.W. 18 as true. The case against the appellant is, therefore, complete and the conviction is correct. The only question that remains is that of sentence. If ever there was a case in which sentence of death should have been passed it is this. The only ground on which the Judge refrained from passing it was that the conviction rested on circumstantial evidence. This Court has repeatedly pointed out that that is no ground whatever. Mr. Ethiraj now asks us to content ourselves with pointing this out once more. We regret that we cannot accede to his request. If the Sessions Judge evaded his plain duty, there is no reason why we should shrink from doing ours. The crime of wife murder is very prevalent and should in our opinion be rigorously dealt with. These unhappy women are entirely at the mercy of their physically stronger husbands. In the necessity of things, they have to be alone with them often, especially at night. It is at night that many of these murders are, as this was, committed. The murders are generally, as this was, the last stage in a prolonged course of cruelty and neglect. Most of the murderers plead jealousy. This one has not even that excuse. His only motive was to get rid of his encumbrance in order to marry again. We feel that this is a case in which death is the only appropriate penalty and enhance the sentence accordingly.