

In Re: Parvathi Ammal

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Court : Chennai

Decided On : Sep-21-1959

Reported in : (1960)1MLJ332

Appellant : In Re: Parvathi Ammal

Judgement :

Anantanarayanan, J.

1. This appellant, Parvathi Ammal, has been convicted by the learned Additional Sessions Judge of Ramanathapuram Division at Madurai, of offences under Sections 302, Indian Penal Code (three counts) and 309, Indian Penal Code and sentenced to undergo imprisonment for life upon the charge of murder and simple imprisonment for six months under Section 309, Indian Penal Code, the sentences to run concurrently. Further, the learned Judge has made a recommendation under Section 401, Criminal Procedure Code, that the Government might be pleased to commute the sentence to rigorous imprisonment for three years.

2. The facts are very clearly established in evidence, and have throughout been admitted by (he accused. The accused was married to one Sevugan (P.W. 1) as his third wife, and these people were residing at Sillampatti Village in Tirupattur Taluk. The accused and Sevugan (P.W. 1) had four children, of which the eldest was a daughter named Chinthamani, and the others were respectively a daughter Chittu (aged 5), a daughter Papal (aged 3) and a boy (aged 1). The evidence

shows that about 10 years previous to these offences, the earning member of the family (P.W. 1) was disabled by dacoits, while sleeping at his sheep pen. The result of this accident was that the entire burden of supporting this family fell on the accused. The evidence very clearly proves that these people were in strained circumstances, and the accused seems to have suffered from fits of depression or mental confusion off and on. On 2nd November, 1958, when Sevugan (P.W. 1) left the house at about 9 A.M. to proceed to a shandi, the accused and her children were taking their food. But before leaving the house, P.W. 1 asked the eldest daughter, Chinthamani, to proceed elsewhere, and she was not in the house when the tragedy actually occurred.

3. The rest of the evidence relating to these offences is given by certain neighbours who live in this locality. Thus, Chellammal (P.W. 2) states that there is a well in the land of one Mayalagu in the village, which has a parapet wall of about one foot in height. P.W. 2 heard some cries from this well, at a distance of about 10 to 12 feet from the well, and peeping inside found the accused and the two children, Pappal and Chelliah, struggling in the water. She raised an alarm, and Subbiah. (P.W. 3) came to the rescue, as well as Palani (P.W. 6), a villager residing about two furlongs from this village in another village. These persons used a spade, and first lifted up one of the children, namely, the boy Chelliah. P.W. 6 and another villager took Pappal out of the well in the same way, and finally the accused was rescued. All the three victims were alive, but unconscious. An attempt was made to revive them by putting them on a cart wheel and rotating the wheel. Finally, they were able to revive the accused to consciousness. But the two children, Pappal and Chelliah, succumbed in spite of the best efforts of these villagers at restoration.

4. P.W. 1 returned from the shandi that evening, and learnt of the tragedy. The other daughter, Chintamani, was also missing, and her dead body was taken out of the well only the next day, when it floated to the surface. The first report given by P.W. 1 (Exhibit P-1) was recorded by P.W. 9, the village Headman of Nedumaram Village. Investigation followed upon his yadast. The subsequent facts of investigation are not of great importance in this case. But the evidence clearly proves that all the three children died of asphyxia due to drowning, and this is

spoken to by Dr. Barkathullah (P.W. 4), the Civil Assistant Surgeon at Tiruppattur, who held the autopsies.

5. The accused has throughout made a clean breast of her guilt, and a judicial confession was also recorded from her by the Sub-Magistrate, Karaikudi (P.W. 5). In her statement in the committal Court (Exhibit P-13), the accused stated that she tried to end her life, and to drown her three children, on account of poverty and ill-health. In a similar statement made at the trial, the accused added this further reason for her committing the offences, namely, that she was ill-treated by her husband (P.W. 1). It is difficult, on the record, to say how far this allegation has any substance in truth.

6. Upon abundantly proved facts, which have been admitted throughout by the accused, the lower Court, rightly convicted the accused of murder upon three counts, in respect of the three children whose deaths she caused (Section 302, Indian Penal Code), and also of an attempt to commit suicide (Section 309, Indian Penal Code). We accordingly confirm the convictions imposed by the trial Court. There can be no doubt whatever that the accused committed these crimes owing to poverty and ill-health. Her ill-health appears to have been mental as well as physical, and the evidence shows that she suffered from periodical fits of depression. But there is nothing to show that, at the time of committing these offences, the accused, by reason of unsoundness of mind, was incapable of knowing the nature of her acts, or that those acts were wrong or contrary to law. But taking into account the background of circumstances against which these offences occurred, and, in particular, her poverty and ill-health, we do feel that this is a very appropriate case for recommendation to the Government under Section 401, Criminal Procedure Code, to remit the portions of the sentences imposed, and to make such further directions in accordance with the law as may be proper in the case. Accordingly, we confirm the sentences also, but recommend to the Government under Section 401, Criminal Procedure Code, read with G.O.Ms. No. 222 Ms., dated 20th January, 1931, which has specific applicability to women convicted of infanticide under such circumstances, that the period of imprisonment totally imposed in this case be reduced to rigorous imprisonment for three years, as recommended by the learned Sessions Judge, and further that for this period

the accused should be detained in the Madras Seva Sadhan in accordance with the provisions of the G.O. quoted above.

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