

IN THE COURT OF THE SESSIONS JUDGE, MAHILA COURT

MAHALIR NEETHIMANDRAM, COIMBATORE.

PRESENT: TMT.J.RATHIKA, M.A., M.L., SESSIONS JUDGE

WEDNESDAY, THIS THE 5th DAY OF FEBRUARY, 2020SESSIONS CASE No.75/2016

(The Additional Mahila Court, Coimbatore committed the case numbered as P.R.C.No.02/2016 in AWPS East Police Station in Cr.No.08/2013 by its order dated 22.04.2016 to the District Court, Coimbatore and the same was taken on file in S.C.No.75/2016 on the file of the Court of Session, Coimbatore and transferred from the Principal District Court, Coimbatore to this Mahila Court, Mahalir Neethimandram Coimbatore)

Name of the Complainant

The Inspector of Police,
AWPS East Police Station,
Coimbatore City.
(Cr.No.08/2013)

Name of the Accused

Shanmuganandham@
Shanmuganand(Age-35)
S/o.Subbharayan,
15 Sarathy Street,
Nandha Nagar Road, Singanallur
Coimbatore.

Charges framed against the accused

Punishable under section 498(A), 306
IPC

Plea of the accused

Pleaded not guilty.

Finding of the Judge

Found guilty u/s. 306 IPC

Sentence or Order

In the result, the accused not
found guilty under section 498 (A) IPC

and acquitted for the offence u/s 498 (A) IPC and the accused found guilty under section 306 I.P.C and convicted and sentenced to undergo 10 years R.I. for the offence U/s 306 I.P.C and imposed a fine of Rs.5,000/- in default to undergo One Year R.I. The sentence already undergone by the accused are ordered to be set off u/s 428 Cr.P.C. There is no property produced in this case.

Prosecution conducted by

Tmt.R.Sarojini,
Special Public Prosecutor.

Pleader for the accused

Thiru.,B.Mohan & S.Sampath Advocates,
Coimbatore.

This case coming on 30.01.2020 for final hearing before me in the presence of Tmt.R.Sarojini, Special Public Prosecutor for the State and of Thiru.B.Mohan and Thiru S.Sampath appearing for the accused and upon hearing the arguments of both sides and on perusing the material records and having stood over to this day for consideration, this Court delivered the following:-

JUDGMENT

It is the prosecution case that the marriage between the accused and Sujatha conducted by the elders and family members as per the Hindu rites and customs on 24.10.2007 at Kovai R.S.Puram and since both of them are working at Chennai they settled at Thiruvallikeni, Chennai and at that time there is a frequent quarrel between husband and wife and due to that the deceased Sujatha had filed a

Divorce petition through her Advocate in the Court and that petition was dismissed due to the absence of her.

When Sujatha was living jointly with her husband and his parents at Kovai, Singanallur, Nanda Nagar road, Sarathy Street, D.No.15 the accused gave mental stress to the deceased Sujatha, due to which in March 2013, the deceased Sujatha went to her parents house with her child at Covai, Gandhi Managar, Brinthavan Avenue, M.P.980 and residing there. At that time, the accused gave torture and mental stress to Sujatha to come and show the child to his parents. This act of the accused is punishable u/s 498(A) I.P.C.

Sujatha went to her job from her parents house and the accused compelled her to show the child to his parents due to which Sujatha not able to went to her job and mentally strained and abetted by the accused to commit suicide and on 24.06.2013 Sujatha drank dung powder at Covai, Peelamedu, Nava India Bus stop and admitted in Covai Medical Centre Hospital treated in ICU and died on 02.05.2013. This act of the accused is punishable u/s.306 IPC.

2) The learned Additional Mahila Court, Magistrate Coimbatore took the case on file as P.R.C.No.02/2016 and furnished free copies of all the prosecution documents on which the prosecution proposed to rely upon to the accused in compliance with section. 207 Cr.P.C. and after satisfying that the case is triable by the Court of Session, committed the case to the Court of Sessions, Coimbatore and the Honourable Principal District Court Coimbatore has taken the case on file as S.C.No.75/2016 and transferred the case to this Court.

3) Upon hearing Prosecution and defense counsel arguments about the facts of the case and having perused the records read over and explained the charges to the accused, the accused denied the charges and this court having found that there is a prima facie case for proceeding further, framed charges u/s. 498(A), 306 IPC and examined the accused about the charges framed against him and the accused pleaded not guilty and claimed to have tried the case.

4) To substantiate the charges leveled against the accused on the side of the prosecution, P.W.1 to P.W.12 were examined and Ex.P1 to Ex.P22 were marked and D.W.1 to D.W.6 were examined and Ex.D1 to Ex.D19 were marked on the defence side.

5) **The brief facts of the prosecution case as per the witnesses examined on the side of the prosecution are as follows :-**

(a) P.W.1 Ranjitham in her evidence states that she is residing at Thai Anban Bose, 6th Street, Saraswathy Nagar West, Aadhampakkam, Chennai. Her husband name is Rajan. She reside at Covai, Ganapathy Nagar, Brinthavan Avenue already and she had two daughters and one son. Daughter in this case is Sujatha. Her daughter Sujatha gave in marriage to Singanallur, Subbarayan, Sivagami son Shanmugananthan on 24.10.2007. Her daughter's husband is the accused, the marriage took place at Covai, R.S.Puram, Rathina Vinayagar Temple and the Reception held at Gandhipuram, R.V. Hotel. At the time of marriage, the accused parents demanded 25 sovereign jewels and a reception in the Hotel, they compelled so they do that beyond their limits. After two days of marriage, reception held and at the time of reception Sujatha told that Shanmugananthan beat her for not applying make up properly and she told that on the reception day itself. After marriage, her daughter and son-in-law resided at Chennai, Perambur and the accused parents used to come and go and some times they stay there. Sujatha worked as Insurance Company Manager. Sujatha and Shanmuganantham always had quarrel with each other. Sujatha told this information from her Office in the year 2008. At that time, it is informed that Sujatha was admitted in the Hospital for bleeding and she went to the private Hospital at Perambur. After treatment she take her daughter to her home. Her daughter delivered at Chennai, Vadapalani, Vijaya Hospital. In the Hospital, the accused beated her daughter in front of nurse, accused mother and herself. After delivery they take her to their home then Sujatha

and the accused shifted their residence from Perambur to Saidhapettai. In the year 2010, Shanmuganantham take the child from Sujatha and beat her. Sujatha told this in phone. When she and her husband went to Sujatha's house and asked Shanmuganantham, he hold the shirt of her husband and slapped in his cheek. Sujatha gave complaint with regard to this and Saidhapettai Police warned the accused. Even after that, Sujatha's stayed for 10 days in Shanmuganantham house. In the year 2010 February, PW1 with her husband and Son Prabhu went to Hyderabad. At that time, Sujatha called from the Office and Prabhu brought Sujatha and her child to Hyderabad. When she came to Hyderabad she issued a telegram to the Commissioner that she is going to Hyderabad with her brother. One person from her daughter's Office called her and told that Sujatha's husband is beating her, so Prabhu brought Sujatha and her daughter to Hyderabad while coming she sent telegram to Chennai Commissioner Office and Saidhapettai Women Police Station. After that, Sujatha's father-in-law Subbarayan called the Higher Officer's of Sujatha and told them to remove her from the job. The Officer told that if complaint is given in Police they said they will remove her from job. In July 2010 Sujatha filed a Divorce Case against her husband in Chennai High Court, she and her husband went with her and when they are returning Sujatha's husband beat her at Central Railway Station. While her husband try to prevent him, he attacked him with Helmet. A complaint with regard to this was given in Railway Police Station and Shanmuganatham was put in Jail. In October 2010 she along with her husband, son Prabhu, daughter Sujatha, grand daughter came to Chennai. After that, Sujatha's father-in-law and mother-in-law compromised them and they live together. Even after that, her husband father-in-law and mother-in-law tortured her by beating and sometimes the accused came in a drunken mood and forcibly pour liquor in her mouth. In April 2011 Sujatha's husband resigned his job, take the child vacated the house and came to Coimbatore. So, Sujatha also without no other way got transfer and came and live with her husband as a joint family. In the month of

September her son also got transfer and came to Coimbatore and live separately. After that, torture to Sujatha increased. In January 2013 Sujatha came and told that she want rest for two days. When asked why it is told that Sujatha was pregnant and when the accused parents saw horoscope they came to know that it is a girl, so they aborted her and even after that her husband father-in-law and mother-in-law beaten Sujatha. Sujatha's father-in-law and mother-in-law called PW1 in phone and when she went with her husband and son they told her to take her daughter if not they told that their son will kill Sujatha by beating. So, they brought Sujatha and she went to the job from their house. They scold her and fight with her in phone also. In Friday evening, the child will be taken to dance class at Ganapathy and after class is over, Shanmugananth take her child to his house and drop the child in the Saturday evening for the dance class and Sujatha will pick her. On the occurrence day, Sujatha take the child to the dance class and after that, she did not returned home. Some one from her phone called and told that one lady fell fainted on drinking poison near Nava India and ask her to come immediately. When she and her son went there already they take her daughter in 108 Ambulance to Government Hospital, the public there, gave the vehicle key, hand bag and Mobile of Sujatha. When they went to Government Hospital First Aid was given, she fainted and Shanmuganantham take Sujatha's hand bag and Mobile. She don't know what is in it. Sujatha admitted for further treatment at KMCH. Police enquired her and her daughter died on 2nd May morning 01.10 a.m. RDO enquired her. In Commissioner Office also they enquired her. She told everything to them. When she cleaned the house after her daughter's death she got one Letter from her daughter's cup board, which was written by her to her Advocate. In that she explained how, the accused harassed her and she approached the Advocate. When they open the E-Mail Account of their daughter they found a E-Mail sent by her to her friend Vinothini through E-Mail in which she explained how her husband tortured her. They handed over all the documents to the Police and when her

daughter was admitted in the Hospital she told the details to the Police and gave that as a complaint which is marked as Ex.P1. At that time, she do not know the harassments happened to her daughter, she came to know that only when she got the documents at her House when she cleaned her House. So she gave another complaint to the Assistant Commissioner and a Letter, her daughter written to the Advocate is marked as Ex.P2. E-Mail sent to Vinothini is marked as Ex.P3(marked with objection). The police asked another document to confirm whether the contents of Ex.P2 is the handwriting of her daughter and she gave a Letter from her Office dated 28.01.2011 to the Police to confirm the handwriting and it is marked as Ex.P4. The Diary shown to her is fully written by her daughter i.e. marked as Ex.P5. On the basis of these documents she gave complaint to the Assistant Commissioner to take action against the accused, that complaint is marked as Ex.P6(marked with objection). Her daughter was tortured and harassed by her husband, mother-in-law and father-in-law. Because of that only she committed suicide. When her daughter was pregnant, her son-in-law hit on her face and blood came. She told that. Like that accused and his family members harassed her in so many ways and she told everything to the Police when they enquired her.

(b) PW2 Prabhu in his evidence states that at that time of occurrence he resided at Brinthavan Avenue, Ganapathy Managar, Covai. PW1 his mother, Rajan father. At the time of his sister's death his father is alive. His sister name is Sujatha. She is his 2nd sister. On 24.10.2007 marriage between his sister Sujatha and the accused Shanmuganantham conducted at R.S.Puram Rathina Vinayagar Temple and at the time of marriage, they asked 25 sovereign jewels as dowry. So, they gave 25 sovereigns at the time of her marriage and after marriage his sister lived with her husband at Chennai, Perambur. The accused at the time of marriage, worked at R.R.Only I.T. Company and his sister worked in Max Newyork Life Insurance Company. After marriage for small issues all scolded his sister in the accused family.

Since, they are newly married they advised them. Sometimes accused beat his sister and she will inform him. At the time of marriage, his sister earn more than the accused. So, due to ego the accused started harass his sister. His elder sister delivered male child and Sujatha delivered girl child. So, the accused family members told this and harass his sister. His sister told this and cried. Since, his parents are aged he told her not to say this to them. When his sister was admitted for delivery in the Hospital, after the child birth, the next day, the accused beat his sister and the Hospital Nurse warned him and his mother told this to him. His sister told that after some time when the accused punched his sister in her nose blood came. He got job in Hyderabad in January 2010 and he take his parents with him. At the time, his sister and accused stayed at Chennai, Saidhapettai and at the time also accused tortured by beating her and when his mother asked about that, the accused slapped his mother and insult her. The accused prevented him from talking to his sister from Hyderabad. His mother informed the incident at Saidhapettai to his elder sister and she gave complaint to the phone number 100 and Police went to his sister's house and enquired and warned the accused. His sister's Office Friends told him that the accused locked his Sister in house and tortured her and they asked him to take her, otherwise, the accused would kill her. So he take his sister and her daughter to Hyderabad from Chennai after sending telegram to Chennai, Commissioner. At that time, the accused family members went to his sister's Office and told them to remove her from job. They told this details to them. After that, his sister went and meet an Advocate with his father to file a Divorce Case and when they are returning, the accused came to the Railway Station and tightened his sister's neck with her hand bag and when their father try to prevent him, the accused beat their father due to which his nose was broken and fractured. Public prevent him and the accused was arrested and put in Chennai Puzhal Jail. Then he and his sister got job and came to Chennai. At that time, the accused parents came and talk to them, and they considered the welfare of the child,

so his sister went and live with the accused. The child was joined in a School at Chennai and since both of them joined together, the Divorce Case was dismissed and another criminal case also withdrawn. After one year, the accused without telling anyone take the child and came to Coimbatore with his parents. So, his sister stay with them and went to the job. She heard from her sister that, the child was beaten by the accused and his parents. So, his sister came to Covai weekly once and then she got transfer to Coimbatore and thereafter they also came to Coimbatore and stayed at Ganapathy Managar. His sister resided at Coimbatore, Singanallur and after she came to Coimbatore accused tortured her for her salary and the accused and his parents will got that. She will ask money from him whenever the accused parents asked her money and he will give her. In February his sister's mother-in-law informed them that his sister was beaten severely by the accused, so they went to the accused house and consoled her. Again in March 2013 his sister's mother-in-law informed that the accused tortured his sister by beating and told that if she is not taken he would kill her by beating. So they take her to their home and the accused beat his sister and mother in front of him. So they take his sister and daughter to their house. When his sister was with them at Ganapathy, CMS Nagar, the child was sent to dance class by his sister. Friday and Saturday two days the dance classes will be conducted. On Friday, the accused will take the child after the classes over and the next day they will bring the child to their home. Like this 4 weeks continued. In April 26th 2013, the child refused to went to dance class, so afraid of the accused, his sister take the child to drop her in the accused house. On that day, at about 09.00 p.m. some one in his sister's phone called and told that his sister consumed poison and fell down at Nava India Bus Stop. The public take her to Government Hospital and they went to Government Hospital and changed to KMCH. Even after that, she died on May 2nd. When she was alive at KMCH she was enquired and her statement was recorded, after her death his mother gave a complaint in the Police Station. RDO enquiry conducted and after his sister's final

rites when her cupboard was cleaned some documents written by his sister on her own handwriting was found in which she had written the tortures and harassments happened to her. Ex.P2 is a Letter written by his sister to the Advocate. After his sister's death, when her Mail was opened they found that she sent Mail to her friend Vino and that was taken print out i.e. Ex.P4 and Ex.P5 is found in her hand bag. Police enquired him.

(c) P.W.3 Jeyanthi in her evidence states that the accused is the husband of her sister Sujatha. Marriage between her sister Sujatha and accused conducted by the relatives on 24.10.2007 and the accused parents demanded minimum 25 sovereign jewels as dowry and at the time of marriage, accused worked at Chennai in a Private concern. As demanded we gave 25 sovereigns and the Scooty used by her sister taken to her husband house and what else they asked she forget. She remember only the jewels. After marriage, accused and Sujatha resided at Chennai and the accused parents at Covai and they visit Chennai frequently and there is a frequent quarrel between her sister and accused. One time when casually she called her sister and talked with her, the accused got the phone and told that already you are married and you are having husband and son then why you are talking to my wife and scolded her with bad words. At that time, her husband Senthilkumar is near her and when she gave the phone by saying that he is scolding to her husband, he talked to him by saying sisters will talk to themselves why you are interfering. After one and half years of child birth to Sujatha, her mother called and cried in the phone by stating that when she called Sujatha, she had not picked the phone. Immediately she informed emergency No.100 and informed the Police. Accused always beat Sujatha and one time he hit in her nose and blood came from her nose and the accused on seeing that told her to clear it and come and again beat her and this was told by the Office friends of Sujatha when she was admitted in the Hospital. Sujatha once got training at Bangalore and she told that if she would come and stay

with her. The accused and his parents did not allow Sujatha to come to her house and she stayed in a Hotel along with her mother-in-law. When she went and meet Sujatha in the Hotel and talked with her, Sujatha told that the accused and his parents are suspicious against her and so they did not sent her to her house and further she states that they are beating and torturing her. After that, Sujatha and her mother-in-law returned to Chennai. One day Sujatha called her brother and told that she is not able to bear the torture of the accused and she went out of the house with her brother and at that time their parents are at Hyderabad. So, Sujatha sent telegram to the Police and went to Hyderabad and stayed with their parents. After that, Sujatha applied for Divorce and when she came to Chennai, the accused came to the Railway Station and try to kill Sujatha with her hand bag by tightening her neck and when her father try to prevent him he beat her father due to which he sustained injuries on his head and face. Her sister gave complaint to the Railway Police. At that time, Sujatha's child was one and half years old. Then accused went to Hyderabad and asked Sujatha to forgive him and told that he will be good hereafter. After that, accused and Sujatha came to Chennai and they live together, but the accused one day left Sujatha by taking the child and came to Covai. Hence, Sujatha got transfer from Chennai after two months and she jointly live with the accused and his parents. At that time, Sujatha conceived and thinking that the child will be a girl the accused and his mother compel to do the abortion and the left Sujatha at her mothers home. After recovery she again went to her mother-in-law's house. One day her mother-in-law called her mother and asked them to take Sujatha by saying, the accused is beating and torturing her, if she is not taken she will be dead. So, her parents and brother went to the accused house and brought Sujatha and her child to their home. This happened on 26.03.2013, the child will be kept by Sujatha for 5 days in the week and the accused told that the child should be with him in the week end. So, on 26.04.2013 when Sujatha take the child to drop the child to the accused, but not returned the home. Some public informed that

Sujatha take dung powder and fell fainted at Nava India Bus stop and she was admitted in the Government Hospital. It was informed by her mother, so she came immediately with her family from Bangalore and her sister was treated in ICU for 5 days and died on 02.05.2013. When all the customary rites was done at home for Sujatha her mother got one Letter written by Sujatha and it was handed over to the Police, in that paper Sujatha wrote the details of how she went to Hyderabad, filing of case, how he went to Jail and joining with her husband. It is written like hints and reason for the same issue she wrote. That paper is marked as Ex.P7(marked with objection). Her mother told about this paper to the Police. Police enquired her. Her sister's daughter Deeksha is now taking care of by her mother and brother.

(d) P.W.4 Senthilkumar in his evidence states that he is residing at Bangalore. The deceased Sujatha is the sister of his wife. The marriage between the accused and deceased Sujatha conducted in the year 2007 and they have one girl daughter. When his wife P.W.3 and her parents went to the accused house with him to talk about the marriage, the accused family members demanded 30 sovereigns for which his father-in-law and mother-in-law told that, they conducted PW3's marriage only recently hence they could not put that much they can give only 10 sovereigns. The accused family members accepted this and the marriage was conducted at Covai, R.S.Puram. After marriage, the accused and deceased Sujatha went and resided at Chennai and after the marriage when he went there, the accused did not give due respect so after that he did not went to their house. He did not talk directly to the accused and he talked with Sujatha two times, one time when she came to Bangalore, at that time Sujatha told that the accused is suspicious on her since she is going to Office, so she is going to get divorce. After one month he talked with Sujatha at Chennai, at that time she told that she filed a divorce petition. He heard from his wife that the accused beat Sujatha's father at Railway Station and a case has been registered and the accused has been put in jail for 7 days. After that,

accused got job at Covai and came with his family to Covai. He heard this from his wife. After 6 to 7 months he heard that Sujatha drunk dung powder and admitted in the Hospital and they went and saw Sujatha and she died. At that time they stayed for 10 to 15 days, his mother-in-law told that accused was suspicious and he won't allow Sujatha freely and lastly she fell down at Nava India Bus Stop. Police prepared Observation mahazar and got his signature and that is marked as Ex.P8. Police enquired him.

(e) P.W.5 Dr.Kesavamurthy in his evidence states that he is working at Coimbatore KMCH Emergency Accident Ward as Chief Doctor, On 27.04.2013 early morning at about 12.00 a.m. Sujatha brought by her husband Shanmuganantham stating that his wife Sujatha drunk dung powder on 26.04.2013 at about 09.20p.m. and she was already given First Aid Treatment at Government Medical College Hospital and admitted in their Hospital. Accident Register Copy is marked as Ex.P.10 and inspite of treatment she died on 02.05.2013 early morning 01.20 a.m. and he gave intimation to the Police Station, the Death Intimation is marked as Ex.P.11. Police enquired him.

(f) P.W.6 Rajendran in his evidence states that PW1 is his sister, his wife name is Indirani. His sister PW1 is having one son, two daughters. Elder daughter Jayanthi, Younger Sujatha. Sujatha got married to the accused in the year 2007. At that time of marriage, they don't demand, Sujatha worked at Insurance Company and the accused in the Software Company. After marriage, accused and Sujatha reside at Chennai for some time and after that they reside at Singanallur. He don't know how much sovereign Sujatha's parent gave her at the time of marriage, the accused and Sujatha had one child and she was brought by PW3. The accused got transfer and both came to Singanallur, after marriage, the married life of Sujatha and accused was good. Since, Sujatha is working for 4 to 5 Districts in the Insurance Company.

She will be in Chennai and Coimbatore. When she went to work, the child be taken care of by PW1 and in accused house with his parent's. There is a dispute between PW1 and Sujatha and so Sujatha drunk dung powder and died. The accused and his family members had not harassed her. Police enquired him. (Hostile)

(g) P.W.7 in Dr.Kulanthaivelu his evidence states that when he worked at Coimbatore Medical College Hospital on 02.05.2013. As per the requisition of Coimbatore R.D.O. in East AWPS., Cr.No.08/2013, deceased aged about 33 years Sujatha's body was brought by Women P.C. 257 S.Jaishree, he and Dr.Jayesh done post-mortem. Dr.Jayesh was not alive. The body was present rigor mortis all over the body, finger and toenails were bluish in colour. Greenish tinge was noted over both palms and soles. No evidence of any ante mortem external and internal injuries noted over the body. Peritoneal and Pleural cavities empty, all chambers contains about few cc of fluid blood. Coronaries patent, Hyoid bone – intact, Stomach contains about 50 ml of brown colour fluid with unpleasant smell, mucosa deeply congested, Small intestine contains about 10 ml of brown colour fluid with unpleasant smell, mucosa deeply congested, Liver, Lungs, Spleen, Kidneys and Brain: Cut section congested, Urinary bladder – empty, Uterus: Normal in size, cut section empty, Viscera preserved and sent for chemical analysis. On getting the chemical analysis report it is stated that the deceased would have died of poison, but that poison is not able to be deducted. The requisition letter of R.D.O. is marked as Ex.P12, Postmortem Report is marked as Ex.P.13, Forensic Report is marked as Ex.P.14 and his Final Report is marked as Ex.P15.

(h) P.W.8 Thangaduri in his evidence states that he is working as Document Expert in Maduri Forensic Lab. When he worked at Chennai Forensic Lab on 12.03.2014, a letter in D.No.207/2014, dated 10.03.2014 from Covai Additional Mahila Court in Covai East AWPS., Cr.No.8/2013, disputed letter and its signature Q1 and the letters Q2 to Q26 were compared with admitted signatures in the letter

dated 28.01.2011, signature A1 and the handwriting A2, further Diary dated 2012 admitted signatures A3 to A70 were marked. On inspecting those documents, the admitted handwriting and signatures in A1 to A70 were written by the person who wrote Q1 to A26. He states that he explained his reason in detail in his Report sent on 20.02.2015 in document No.67/2014 and sent the documents to Coimbatore Additional Mahila Court, and the letter is marked as Ex.P16. His handwriting Report is marked as Ex.P17.

(i) P.W.9 Santhakumar in his evidence states that he is working as a Branch Manager in Tamilnadu Fiber Net Corporation and when he was worked as a RDO at Coimbatore. On 02.05.2013 AWPS., East, Cr.No.8/2013 FIR registered as enquiry Number 52/2013 and he examined the relatives and Panchayathars on the dead body of Sujatha before the Mortuary at Coimbatore Medical College Hospital and recorded their statement and on enquiry he found that the said Sujatha's death was not happened due to dowry harassment and he submitted his Report to Assistant Commissioner (Law & Order) (East) and the Report is marked as Ex.P18.

(j) P.W.10 Jeyadevi in her evidence states that she worked as a Sub-Inspector in East, AWPS., On 29.04.2013, she got information from KMCH Hoospital through phone and she went to the Hospital and since the admitted Sujatha, W/o. Shanmuganantham was not conscious, she examined her mother Ranjitham, W/o. Rajan and entered it in G.D. and that statement is already marked as Ex.P1. On 02.05.2013 at about 08.30 a.m. she got an information when she was in the station that Sujatha was dead. Hence, she registered a case u/s 174 Cr.P.C. on the statement already recorded., since, Sujatha died before 7 years of marriage and FIR was sent to R.D.O. enquiry and one copy of it was sent to Assistant Commissioner. The FIR is marked as Ex.P.9. Inspector enquired her.

(k) P.W.11 Chandramohan in his evidence states that he worked as ASP and retired on 19.09.2018 and when he was worked as Covai Managar East (Law & Order) Assistant Commissioner, On 02.05.2014 he received a case registered by Sub-Inspector Jeyadevi in AWPS East, Cr.No.8/2013 u/s.174 Cr.P.C. and he had taken it for investigation and went to Nava India Bus Stop at Peelamedu on 02.05.2013 at 10.00 a.m. and inspected the occurrence place before the witnesses Devi and Senthilkumar and prepared Rough Sketch and Observation Mahazar. That Rough Sketch is marked as Ex.P.20. Then he examined the witnesses Ranjitham, Rajan, Jayanthi, Rajendran, Prabhu, Devi and Senthilkumar and recorded their statement. On 05.05.2013 he examined Women P.C. 257 Jayasri and recorded her statement. On 27.06.2013 complainant Ranjitham produced one Letter written by the deceased Sujatha and it received in Form-95 in which Prabhu and Ranjitham signed as witnesses. That Form 95 is marked as Ex.P21 and he altered the section from 174 Cr.P.C. to 498(A), 306 IPC. and sent the Alteration Report to the Court and that Alteration Report is marked as Ex.P22.(Marked with objection). On 15.07.2013 he received the Bail Order of the accused then he examined, the Post-mortem Dr.Jayesh and Dr.Kulanthaivelu on 20.07.2013 and recorded their statement. Then he got transferred on 24.07.2013. Hence, he handed over the case bundles to Assistant Commissioner Murugasamy and PW6 Rajendran states what he stated in 161 CRPC Statement before him.

(l) P.W.12 Baskaran in his evidence states that he worked as Assistant Commissioner, Coimbatore, now retired and residing at Tiruppur. On 14.02.2014 when he worked as Covai Managar East Assistant Commissioner, he received the case bundles investigated by Thiru.Chandramohan and he examined the witnesses Ranjitham, Rajan, Jayanthi, Senthilkumar, Rajendran and they stated as what they stated before the previous Assistant Commissioner. So, their further statements are not recorded separately. Then he examined Aniruthan, Dr.Kesavamoorthy, R.D.O.

Santhakumar, Head Constable Jayasri, Sudha, Sub-Inspector Jayadevi and recorded their statements. On 27.02.2014 he sent the documents to Forensic Lab through the Magistrate Requisition Letter. On 28.02.2015 he received the Report from the Forensic Lab, Chennai and handed over the original in the Court and examined the witness Thangadurai and recorded his statement. Then on 15.04.2015 after getting the Government Advocates opinion he laid charge sheet against the accused u/s.498(A), 306 IPC and submitted to the Court.

6) After the closure of the evidences of the prosecution, the accused is examined u/s 313 (1) (b) of Cr.P.C. before this court about the incriminating circumstances appearing in the evidences of the witnesses on the prosecution side and he denied the same stating that false case has been foisted against him and also stated that he want to examine defense witnesses and filed a written reply under section 313(5) C.R.P.C. His reply is as follows:

“என் மீது இ.த.ச. 498 (A) மற்றும் 306 ஆகிய பிரிவுகளின்படி குற்றம் சாட்டப்பட்டுள்ளது. எனக்கும், என் மனைவிக்கும் 24.10.2007 அன்று கோவை ஆர்.எஸ்.புரம் ரத்தின விநாயகர் கோவிலில் வைத்து திருமணம் நடந்தது. திருமணத்திற்கு பின்னிட்டு நாங்கள் இருவரும் வேலை நிமித்தமாக சென்னையில் குடியிருந்தோம். எங்களுக்கு கடந்த 13.07.2008-ம் தேதி செல்வி.திக்கா என்ற மகள் பிறந்தார். திருமணத்திற்கு பிறகும் என் மனைவி அவரது பெற்றோருக்கு அவரது சம்பளம் மற்றும் ஊக்கத் தொகைகளை குடும்ப செலவுகளுக்காக கொடுத்து உதவிகளை செய்து வந்தார். திருமணத்தின் போது எனது மாமனார் உடல்நிலை சரியில்லாமல் இருந்து வந்தார். இந்நிலையில் என் மனைவியின் பெற்றோர் என் மனைவிக்கு பணம் சம்பந்தப்பட்ட விசயங்களில் பொய்யான தகவல்களை சொல்லி அவரை தூண்டி விட்டு எங்களுக்குள் சிறுசிறு பிணக்குகள் இருந்தது. அவற்றை இருவரும் மனம் விட்டு பேசி இருவரும் புரிந்து கொண்டு வாழ்ந்து வந்தோம். நான் R.R.Donnelley என்ற நறுவனத்தில் பணிபுரிந்தேன். என் மனைவி தனியார் காப்பீட்டு துறையில் பணிபுரிந்து வந்தார். திருமணத்தின் போது Maxlife Newyork Insurance Private Limited-ல் பணிபுரிந்தார். பின்னர் Futurisk Insurance Brockrage Pvt. Limited என்ற கம்பெனியில் பணிபுரிந்தார். இருவரும் வேலைக்கு செல்வதால் குழந்தையை கவனித்துக் கொள்வது சிரமம் என்பதால் நானும் என் மனைவியும் எங்கள் மகளின் எதிர்காலத்திற்காகவும், கல்விக்காகவும் எங்கள் இருவரின் வேலையை கோவையில் தொடர்ந்தால்

வசதியாக இருக்கும் என்ற நோக்கத்துடன் மாறுதல் பெற்று கோயமுத்தூருக்கு மாறுதலாகி கடந்த 2012-ம் ஆண்டு வந்தோம். நான் மார்ச் 2012-லும், என் மனைவி ஜூலை 2012-லும் பணி மாறுதல் கிடைத்து கோயமுத்தூருக்கு வந்து சந்தோசமாக குடும்பம் நடத்தி வந்தோம். என் மகள் கடந்த 2013 ஏப்ரல் மாதத்தில் L.K.G. வகுப்பு முடிந்து பள்ளி விடுமுறையில் கையெழுத்து பயிற்சி ஆர்.எஸ்.புரத்தில் உள்ள Handwriting Labs என்ற கையெழுத்து பயிற்சி மையத்திற்கு பயிற்சிக்கு சென்று வந்தார். அதே கால கட்டத்தில் Fodas Dance Company என்ற மையத்தில் கணபதியில் summer camp நடனப்பயிற்சி பெற்று வந்தார். இதற்காக மேற்படி இடங்களுக்கு சென்று வர வசதியாக எனது மனைவியின் பெற்றோர் வீட்டில் இருந்து கணபதி காந்தி மாநகரில் தங்கி கொண்டு சென்று வந்தார். இதற்கிடையில் 17.04.2013-ம் தேதி எனது மனைவி சென்னைக்கு வேலை சம்பந்தமாக சென்றிருந்த போது, சென்னை லலிதா ஜுவல்லரியில் எங்களது குழந்தைக்காக சுமார் ரூ.50,000/- மதிப்பு நகைகள் வாங்கினார். அந்த சமயத்தில் என் மனைவியிடம் அவரது பெற்றோர், அவரது சகோதரர் ஆகியோர் பணம் கேட்டு வந்திருந்த சமயத்தில் நகைகள் வாங்கியதால் அவர்களுக்கிடையே நகைகள் சம்பந்தப்பட்டு சச்சரவு ஏற்பட்டு என் மனைவி மன உளைச்சலில் இருந்ததால் என் மனைவிக்கும், அவர்கள் குடும்பத்தாருக்கும் பிரச்சனைகள் இருந்து வந்தது. இந்நிலையில் கடந்த 26.04.2013-ம் தேதி மாலை 07.00 மணிக்கு என் மகளை நான் கணபதியில் வைத்து என் மனைவியிடம் இருந்து என் மகளை அழைத்துக் கொண்டு கோவை, பீளமேடு, Fun Mall-க்கு சென்றேன். நாங்கள் இருவரும் அங்கு இருந்த போது இரவு 8.30 மணியளவில் எனது கைபேசிக்கு என் தகப்பனார் போன் செய்து என் மனைவி உடல்நிலை சரியில்லாமல் கோவை அரசு மருத்துவமனையில் அனுமதிக்கப்பட்டிருப்பதாக சொன்னார். நான் உடனே என் மகளை அழைத்துக் கொண்டு அரசு மருத்துவமனைக்கு வந்து என் மனைவியை பார்த்து விட்டு, உடனடியாக கோவை KMCH மருத்துவமனைக்கு மேல் சிகிச்சைக்காக அனுமதித்தேன். கோவை KMCH மருத்துவமனையில் சிகிச்சை பலனின்றி என் மனைவி 02.05.2013-ம் தேதி இறந்து விட்டார். என் மனைவியின் மருத்துவ செலவிற்காக நான் ரூ.2,55,000/- செலவு செய்து சிகிச்சை அளித்தேன். அதன் பிறகு கடந்த 08.05.2013 அன்று என் மனைவியின் பெற்றோரும், உடன் பிறந்தோரும் என்னை கட்டாயப்படுத்தி என் மகள் என் மனைவியின் தாயார் பராமரிப்பில் இருக்க வேண்டும் என்றும், அதற்கு பின் என் மனைவியின் சகோதரி பராமரிப்பில் இருக்க வேண்டும் என்றும், ஒரு ஒப்பந்தம் ஏற்படுத்தி என்னிடம் கையொப்பம் பெற்றனர். அந்த ஒப்பந்தம் செல்லத்தக்கதல்ல என்று நான் மறுநாள் 09.05.2013 தேதியே வழக்குரைஞர் மூலம் அறிவிப்பு கொடுத்தேன். அந்த ஒப்பந்தம் என் தரப்பு ஆவணம் எ.த.சா.ஆ.1-ஆக குறியீடு செய்யப்பட்டுள்ளது. அதன் பிறகு 15.05.2013 சரவணம்பட்டி காவல் நிலையத்தில் குழந்தையினை பெற்றுக் கொடுக்க என் மாமியார், மைத்துனர் மீது புகார் கொடுத்தேன். அதன் பிறகு பிரச்சனை பெரியதாகி 31.05.2013-ல் புகார்தாரரும், அவரை சார்ந்தவர்களும் என் மீது காழ்புணர்ச்சி கொண்டு இவ்வழக்கின் இரண்டாவது புகாரான

அ.த.சா.ஆ.6-ஐ பொய்யான உண்மைக்கு புறம்பான சங்கதிகளுடன் கொடுத்துள்ளனர். நான் எவ்வித குற்றமும் புரியவில்லை. நான் செலுத்திய மருத்துவ செலவுகளுக்கான ரசீதுகள் இத்துடன் தாக்கல் செய்கிறேன். என் மகள் நடன பயிற்சிக்கு சென்ற பணம் செலுத்திய ரசீது மற்றும் கையெழுத்து பயிற்சிக்கு சென்ற பணம் செலுத்திய ரசீது அசல் மற்றும் என்னுடைய HDFC Credit Card மாத அறிக்கையினை இத்துடன் இணைத்து தாக்கல் செய்கிறேன். நான் அரசு வழக்கில் சொல்லியுள்ளதுபோல் என் மனைவியை எந்த கொடுமையும் செய்யவில்லை. கோவைக்கு வந்த பிறகும் எனது மனைவிக்கும், எனக்கும் எந்தவித பிரச்சனைகளும் இல்லை. சந்தோசமாகவே எங்களது குழந்தையுடன் குடும்பம் நடத்தி வந்தோம். காழ்புணர்ச்சி காரணமாகவும், பண பிரச்சனை காரணமாகவும், எனது குழந்தையினை கேட்டு சட்ட நடவடிக்கைகள் எடுத்து வந்ததாலும், எனது மாமியாரும், அவரது குடும்பத்தாரும் இந்த பொய்யான புகாரினை என் மீது கொடுத்துள்ளனர். ஆகவே என்னை வழக்கிலிருந்து விடுதலை செய்ய மிகுந்த பணிவுடன் தங்களை வேண்டிக் கேட்டுக்கொள்கிறேன்”.

7) The Defense side witnesses are:

i) DW1 Murugappan in his evidence states that he is running a Training centre for Handwriting and skill development for the children's in between 4 ½ to 15 year old children's from 2009. The bill shown to him was given by him for the student Deeksha Bill No.3090, dated 03.04.2013 marked as Ex.D.10. As per the Bill, the child studied Pogo graft, this was conducted in March, April, May summer camp and in cross-examination he told that he cannot say whether the bill was paid by child's father or mother and he don't know who brought the child to the class and if the child fully attended the class, they will issue a Certificate.

ii) DW2 Thandeus in his evidence states that he is running a Company in the name of Fodas Dance Company and teaching Dance to the children's from the year 2008. The bill shown to him is given by him to the student Deeksha on 06.04.2013. The Receipt is marked as Ex.D11. This is not summer Course. They are conducted regularly. It was paid in April 2013 and in his cross-examination he said that he don't know who paid Ex.D11 bill and he is not remembering the child and he don't

know who brought the child and whether the child completed the course or not. If it completed the course once in a year they will issue Certificate.

iii) DW3 Ahamed Iliyas in his evidence states that he is working as a Branch Manager in Lalitha Jewellery, Coimbatore, the Letter issued by the Director, Chennai Lalitha Jewellery to give evidence is marked as Ex.D12. The Duplicate Tax Invoice in the name of Sujatha Ex.D13 and Ex.D14. Ex.D13 Bill No.18040, Ex.D14 Bill No.18042. Both Invoice Date 17.04.2013 and in his cross-examination states that both Invoice in the name of Sujatha and there is a Mobile Number below the name.

iv) DW4 Bharathiraja in his evidence states that he is working as a Sub-Inspector, Saravanampatti Police Station and he depose that he came to the Court on summon and producing CSR Receipt 316/2013, dated 15.05.2013, petition was given by Shanmuganantham, S/o.Subbarayan, 15 Sarathi Veethi, Nantha Nagar Road, Singanallur, Covai against Ranjitham, W/o.Rajan, M.P.980, Brindhavan Avenue, Ganapathy Managar, Covai to handover his 5 year old child and finally since the petitioner and respondent are son-in-law and mother-in-law, and the respondent refused to handover the child and they the reposndent told that they will approach the Court, hence the petitioner is directed to approach the Court and get remedy.

v) DW5 Shanmugamprabhu in his evidence states that he is working as a Branch Manager, HDFC Bank, Trichy Road Branch, Coimbatore. He appeared before this Court on summon with a Crdit Card Statement of his Bank, Account Holder Shanmuganandh, the Credit Card Statement (3 Nos. is marked as Ex.D18. and another copy Ex.D19. In Ex.D19 amount was paid to Kovai Medical Centre, Coimbatore on 27.04.2013, 29.04.2013, 30.04.2013, 01.05.2013 and 02.05.2013

and in his cross-examination he states that with this dates one cannot say for whom it was paid.

vi) DW6 Dr.Vijayalakshmi in her evidence states that she is residing at Covai, Vilankurichi Post, Cheran Managar, Kumutham Nagar, and the deceased Sujatha is her own sister Ranjitham's daughter. Accused her son-in-law, husband of Sujatha. Marriage between Sujatha and the accused conducted 7 years before and after that both resided at Chennai for 5 to 6 years and they came to Coimbatore in 2013 January, February. They came to Coimbatore to join their child and her sister daughter Sujatha in a managing position at Futuris Insurance Company and in April 2013 Sujatha came to her sister's house to join the child in vacation Dance class and Extra curricular Activities. She stayed in Ganapathy in her sister's house and takes her sister's grant daughter to the Dance Class at Ganapathy and R.S.Puram. Before occurrence Sujatha talked to her and she told that she is coming to her house. While talking she is vomiting and the Police conveyed the message and immediately she told them to admit her in the Kurinji Hospital. Since Sujatha consumed Poison, she was taken to G.H. and while talking she asked Sujatha where is the child for which Sujatha told she gave her to her husband. Lastly she saw Sujatha in G.H. she and Sujatha's mother-in-law admitted her in KMCH and she was with her at the time of treatment, when she was taken from G.H. to KMCH. She is not conscious and not told anything. When she was at KMCH, the treatment expenditure were bear by Shanmuganantham. Her sister's daughter after coming from Chennai to Coimbatore she is close to her and told all the details and she had not told any problem between her husband and mother-in-law. All are happy at that time. After coming from Chennai to Coimbatore she don't know whether there is any problem between them When she was at KMCH. Police enquired her.

8) **Points for consideration:** *Whether the charges framed against the accused under section 498(A), 306 IPC is proved beyond reasonable doubt against the preponderance of probabilities against the accused?*

Arguments on Prosecution: *The Learned Special P.P. argued that it has been clearly established by the prosecution on the oral and documentary evidence that the accused induced his wife to commit suicide by mental and physical torture. Immediately at the time of death of her daughter, Pw1 complainant and her family members are shocked and state that her daughter has no dowry harassment. But only after her death only they found a letter written by her in her own hand writing to 25 pages, which narrates how much mental stress and pain she undergo. All this handed over to the investigation officer and on verification is find out that the letter was written by the deceased in her own handwriting. Hence the deceased sustained mental pressure and torture, and the accused abetted the suicide of the deceased and thereby he committed the offence, hence he may be punished for the offence charged against him.*

Reply by the Defense Counsel in short: *The Learned defence counsel in his argument states that, PW1 gave the complaint and it was first registered as 174 Cr.P.C. and at the time of giving the statement before R.D.O. no one complained against the accused and after Sujatha's death only R.D.O. enquired all the witnesses. The printed FIR and absence of GD entry dated 29.04.2013 speaks how the case dealt by the Police only after handing over the Letter stated to be written by the deceased given by PW1 to the Police Ex.P2 alleged Letter by the deceased to her Advocate Mr.Aniruthan for filing Divorce Petition in the year 2010, the sections were altered from 174 Cr.P.C. to 498(A), 306 IPC. This Letter is shrouded with mystery and serious doubts. The Advocate not examined, the handwriting of the deceased is not proved with any independent witnesses, the proof of the admissibility and contention of the documents not proved as manner known to law. The dispute of Divorce dropped by the deceased in the year 2010 itself and there is a mutual reconciliation and they both*

joined together shifted their residence and came to Coimbatore to live their new life. There is no evidence of dowry demand, hence the accused cannot be convicted u/s. 498(A) IPC. There is no mens rea to abet the offence punishable u/s 306 IPC which request an active direct act of the accused which lead the deceased to commit suicide. Here, the accused had not push the deceased into such a position for committing suicide. The deceased was staying in her parental home and attended her work. Only in that circumstances she consumed poison, the deceased was with a dominance of PW1 and PW2 in Coimbatore and there is a dispute with regard to the purchase of jewels for her child. After a lapse of 28 days on 31.05.2013. PW2 and PW3 found a Letter of Sujatha gave it to the I.O. and the sections were altered, but the Letter is dated back to 2010. Its a forged document there is no investigation with regard to the E-Mail. The statements of PW1 and PW2 are contradictory. The complaint given by the accused at Saravanampatti Police Station which is marked as Ex.D15 prove the defence version that there is a dispute arose only with regard to the custody of the child. Hence, the accused may acquitted. He referred the following Citations on his side

1. (2011) 2 Supreme Court Cases (Cri) 1 – S.306 and 107 IPC – Abetment of suicide – Ingredients of, reiterated – Proof thereof – Requisites for – Susceptibility of person concerned to commit suicide – Relevance – Held, abetment involves mental process of instigating or intentionally aiding a person in doing of a thing – There should be clear mens rea to commit offence under S.306 – It requires commission of direct or active act by accused which led deceased to commit suicide seeing no other option and such act must be intended to push victim into a position that he commits suicide.

2. AIR 2014 SUPREME COURT 1782 – S.498 IPC, Expl. – Cruelty – Driving woman to commit suicide – Failure to take one's wife to his place of posting – Would not amount to cruelty as is likely to drive wife to commit suicide.

3. 2019 SAR (Criminal) 1110 – Dowry Demand – Not established before Trial Court – High Court ought not to have convicted the accused under section 498A IPC for dowry demand without a detailed discussion of the evidence on record – Conviction set aside. In this case in Para 11. Cruelty is dealt with in the Explanation to Section 498A as follows:

498 A. Husband or relative of husband of a woman subjecting her to cruelty.- Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.- For the purpose of this section, "Cruelty" means –

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman: or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

4. (2015) 2 Supreme Court Cases (Cri) 422 – Evidence Act, 1872 – Ss.113-A and 113-B – Compared – While S.113-A confers a discretion on court to draw presumption in case of suicide, S.113-B mandatorily requires on court to draw an adverse inference/presume guilt of accused in case of dowry death, once prosecution has discharged its initial burden of proving, by preponderance of probabilities, all ingredients of dowry death as laid down in S.304-B IPC.

5. (2015) 1 Supreme Court Cases (Cri) 24 – A. Evidence Act, 1872 – Ss.65-A, 65-B and 62 – Electronic record – Primary and secondary evidence of – admissibility – Provisions applicable – Held, admissibility of secondary evidence of electronic record

depends upon satisfaction of conditions as prescribed under S.65-B – Those conditions under S.65-B, enumerated – On the other hand, if primary evidence of the electronic record is adduced i.e. the original electronic itself is produced in court under S.62, then the same is admissible in evidence, without compliance with conditions in S.65-B.

B. Evidence Act, 1872 – S.65-B(4) – Secondary evidence of electronic record – Producing copy of statement pertaining to electronic record in evidence not being the original electronic record – mandatory pre-requirement – Held, such statement has to be accompanied by a certificate as specified in S.65-B(4) – Essential ingredients of such certificate enumerated – Held, such certificate must accompany electronic record like CD, VCD, pendrive etc., which contains the statement which is sought to be given as secondary evidence, when the same is produced in evidence – In absence of such certificate, secondary evidence of electronic record cannot be admitted in evidence, as in present case.

9) This court considered the arguments adduced and the citations referred on both sides and the point for consideration in this case is whether the accused and his family members subject the deceased Sujatha to cruelty and abet her to commit suicide? It is the case of the prosecution that from the date of marriage the accused subject the deceased Sujatha, his wife to cruelty and abetted her to commit suicide and the learned defence counsel deny the same and submitted a detail arguments before this court and to prove the defence side, they examined 6 witnesses and exhibited 19 documents. On the prosecution side out of 18 witnesses cited as witnesses, LW2 Rajan father of the deceased not examined since he is dead. One of the observation mahazar witness Devi, the advocate Aniruthan to whom the deceased addressed a letter, Dr Jeyesh since he is dead, and the women Head constables who do the formal duties were not examined and Pw1 to Pw12 witnesses

were examined and exhibited ExP1 to ExP21 on the prosecution side. On perusal of the oral and documentary evidence adduced by both the main points to be decided is whether the deceased is subject to cruelty or not? first. On the date of occurrence, the deceased was with her parents at her parents house with her child from March 2013 and as admitted by both that the child was admitted in dance class and handwriting class for which the deceased used to drop the child and the accused pick the child in the weekend that is on Friday in the class and the accused will drop and the deceased will pick the child on Saturday. To see whether the deceased stay with her parents due to the misunderstanding between her and the deceased or as stated by the deceased for the summer classes to be attended by the child from her grandparents house which is nearby. The deceased consumed poison after dropping her child to the accused on 26.04.2013 and ExP1 complaint was given by the mother of the deceased on 29.04.2013 stating that

“She is residing in the above mentioned address. her husband do the job of car workshop tinkering and she is at home and they got two daughters and one son. Both daughters are married and her son is working in HP company. Her 2nd daughter is Sujatha and she was given in marriage to their distant relative Subbarayan son Shanmuganandam on 24th October 2007 as decided by the elders and they gave 25 sovereign jewels and they have not asked any dowry. Due to the small misunderstanding between them she is in our house for the past one month. She will show the child frequently to her son-in-law. On 26.04.2013 at about 5.30 p.m as usual she went to show the child to her son-in-law and at about 09.15 p.m they heard that her daughter drank green dung powder and taken to GH in 108 ambulance and when they went there she is in ICU and after that they take her to KMCH and here is also she is in ICU in a unconscious state. We do not know why she drank dung powder. You enquired and I told what happened.” This statement recorded on 29.04.13 at 17.00 Hrs at KMCH and on 2.5.13 in the same statement endorsed as Registered a case in AWPS(E) Cr.No.8/13 u/s 174 CRPC on 2.5.13 at 08.30 Hrs.

This statement of the mother of the deceased was recorded while the deceased was in treatment and later after her death the same was taken as a complaint and registered as a complaint. With this complaint a case has been registered and the same was forwarded to RDO for enquiry. On perusal of the First Information Report Exp19 registered by the Sub Inspector PW10 the same was written in it. RDO examined the witnesses and the Panchayatdars, and filed his report with regard to the cause of death as "There is no allegation against the accused and no one had state anything about dowry harassment". Later it is stated by PW1 that after the funeral rites are over, when she cleaned the cub board of the deceased, she found a letter written by her deceased daughter to one Advocate Anirudhan and on the basis of that she gave another complaint to the Assistant Commissioner which is marked as EX.P6 and the letter written by the deceased is marked as Ex.P2. The letter is elaborate and it gave all the details of all the facts from the date of marriage and this letter sent to Forensic Lab Chennai for comparing the handwriting and the signatures of the deceased in Exp2 with her admitted signatures and on comparison the expert in his report and evidence before this court states that it is the handwriting of the deceased. The handwriting Expert is examined as PW8 and his report and evidence is clear. The expressions and the words in Ex P2, the letter written by the deceased in her own handwriting are clear and elaborate. She had written this letter from Hyderabad to Advocate M.Aniruthan Chennai. The letter goes as follows:

"I am Sujatha R., currently residing at the above address in my parents house along with my daughter who is 1 yr 7 months old.

Request your help to get.

- 1) Divorce from my husband.*
- 2) To rescue my things from my husband's place.*
- 3) To take necessary action against my husband & his family since they keep on spreading bad things & names about me & my family.*

Along with this letter I have attached the following:

- i) Summary of incidents happened in my marriage life.*
- ii) My parents statement.*
- iii) My belongings in my husband's place.*
- iv) DOB & Address details of self & spare.*
- v) Copy of Marriage Invitation.*
- vi) Copy of telegraphic complaint given to Police against my husband & his family.*

Request your help to lead a peaceful life along with my daughter.

Thanking You

Yours truly

(Sd/-)R.Sujatha

SUMMARY

This was an arranged Marriage & he was distant relative (i.e. My mother's cousin sister's husband's relative). Before wedding myself & my husband had an open talk & we got married on 24th October 2007 in Coimbatore "& wedding reception on 25th October 2007. Herewith 1 had attached the Photo Copy of the marriage invitation.

Small, small problems started from day 1 itself. For reception makeup I went along with my in laws (Mother in law & sister inn law – i.e. my husband's father's own brother's wife & daughter) & we have done Makeup & they said it was good meanwhile my husband came to pick us & seeing me he went alone & spoke to his mother & as soon as we reached the reception hall they rushed & took me to a room & started scolding left right both my husband & Mother-in-law & they didn't allow any of my relatives to enter the room including my mother & used harsh words about my Makeups & rubbed all my makeups & hair styles & the entire day I was crying. Likewise my marriage life started with problems.

My mother-in-law always use to criticize my family she has gone to my friends house & talking bad about my mother. Even though we lived in separate in Chennai (Perambur) only my mother-in-law & father-in-law were ruling the family.

Each & everything I have to call up my in law & get permission to do things (eg. right from cooking) but in case he has to spend money (or) in case he have to drink or smoke he won't seek permission & he will hide it from his parents. So far I didn't have any privacy in my life. Even if I share anythings eg one day I said him "I love u" the same he was sharing to his parents in public where I was not able to stand at the place when I tried to move from that place he forced me to stay back in the same place.

Likewise, whatever I say or share with him he use to share it with his parents. Even when his parents are with us he don't close the door of our bed room. Some times even his mother used to ask me what you guys were talking for long time yesterday night. So I stopped sharing my opinion or Things with my husband.

Once I said my husband that we haven't gone for honeymoon so far so lets go to Pondicherry for 2 days immediately he said lets my parents come from Coimbatore then we will go to Pondicherry.

My husband use to bit & kick me every time even without reasons he will hit me or he will find some chilly chilly reasons & every day I use to undergo either physical or mental harassment. Even when I was pregnant he use to hit me badly. He won't do any help in work. After finishing my works I will go late to bed & out of tired I use to sleep but he will come to bed only after 2 (or) 3 p.m. & he will wake me from sleep & I want to talk to him, till that time he will be simply watching TV or playing games in systems, when I say I want to sleep so far you were watching only TV @ that time you can talk to me, before even couple of time he will start beating me & the entire night I won't sleep b'cos he will beat continuously & scold me very badly. But he will sleep peaceful & he will get up only in the afternoon & he & his parents will say he is guy so he is like that only.

Even if I'm not well I can't sleep or I should not take rest. My mother-in-law will say see I'm so old & I am healthy what for you. I go to Office work in Office that too mine is Insurance Co., lot of mental pressure is also involved & do work @ home then also I'm not suppose to take rest & won't even allow to sleep early in night.

He use to treat me as slave & not as wife. He says that he is "man" & I'm woman & I should be his dog.

Even when I got delivery pain he didn't allow me to go to Hospital. My mother couldn't able to see me crying with pain then she said whatever he says not I'm least bother about it & she took me to Hospital around 12'O' clock in the midnight & I gave birth to a girl baby in morning 7.26 a.m. After that my husband came to hospital to see me. Even in the hospital my mother-in-law didn't allow me to sleep or to take rest. They didn't allow my parents to stay & they were dominating. My husband use to sleep in hospital (both night & day), don't know who has delivered. But I was not allowed to sleep, my mother-in-law say don't sleep in day time but my daughter will be fully awake in the night & will sleep only in the day time. Even staff nurses scolded my mother-in-law & they asked me to sleep. In hospital on my second day of delivery I was lying in bed & my husband was eating my mother-in-law said. "என் பையன் சாப்பிட்டு இருக்கான் நீ பாட்டிக்கு மயிரே போச்சனு படுத்துட்டு இருக்கியா? வந்து என் பையனை கவனி" & after his mother has gone I had asked my husband whether I am patient or you & you are taking rest not me & how can you except me to do work in hospital that too only its 2 days, he suddenly gave me slap in hospital itself.

They didn't even allow me to stay in my mom's place for 3 months. They forced me & took me to Coimbatore when my daughter was one month old & inspite of my mother says that she wants to take rest for 3 months. They said that they will take care but even after I was doing all works without rest even when I feed my daughter they will say are you acting like feeding come & do work. They treat me as servant maid. I never use to sit in day time & night also my daughter will be awaken till 4.00, 5 am some times I use to sleep only for 1'hour or half an hour, then in day time if I ask

shall I take rest for some time they say no & won't allow me to take rest. Like this they were giving physical & mental harassment.

Once my husband hitted me & blood was coming from my nose, he asked me to wash my nose & again started hitting me & the next day seeing my face & nose in my Office they took me to hospital.

Likewise, I was barring to live with him. I won't even speak a word against him or his parents so they look advantage.

Since traveling from Perambur to Nungambakkam was distance & takes time we have shifted our house to Saidapet in the month of November.

Even he won't allow to work peacefully in Office he use to call & shout at me for chilly chilly things. If I come late from Office he will suspect me.

Recently i.e. on Feb 2nd I was discussing with him about my Green belt Project in Six Sigma, in my Office they have nominated me & the training is in Bangalore for 6 days.

Since I'm feeding my daughter & I can't leave here, I told my husband that I will stay in my sister's house in bangalore (own sister & after my marriage I have not gone to her house) & my mom will come to my sister's house to take care of my daughter, immediately he told “கண்டவ வீட்டுக்கு எல்லாம் நீ போகக் கூடாது”. Then I was very upset about this & I was about to explain him mean while he started hitting & kicking me then I said I can't live with you by getting this way of physical harassment so give my daughter to me I will go then he was helling & shouting @ me & said I won't give Diksha (daughter's name), you do whatever you like. I went to my parents house which is 5 minutes from my house (Actually my parents were packing things to shift the house to Hyderabad since my brother got a job in Hyderabad.) So far I have not told anything to my parents since it went beyond controll & he behaved like arrogant I complained my parents.

When my parents came to my house & asking my husband why you hitted my daughter he says to shut their mouth & go & when my parents tried to take my

daughter he hitted my father & tried by father's shirt & slapped my mother on both the cheeks & started shouting @ them without respect & my parents also started shouting @ him. I called up "100" & gave complaint to Police, they came home & asked us to come to Police Station we went there & he came along with his uncle (father's brother & his friend) to station & the Police was in compromise mode & they asked us to get compromised. I told the Police that since he hitted me my parents & given lot of Mental pressure I can't stay with him & now I will go with my mother & from there I will go to Bangalore for training after coming back I will discuss about my future & mean while my mind will get clam & will get relax & asked them to get permission to take my clothes (both mine & my daughter's), these in front of Police he was acting & given permission **b'cos** he was waiting for his parents to reach Chennai.

I went to house to take my clothes along with my parents. But he didn't allow, he was speaking coolly & wants to get compromise, so keeping my daughter in mind. I asked my parents to go so we went to my parents place & sat for 2 mins & came to my house. Then he took me to his uncle's house & we went to pick their parents from Perambur railway station, from that point both his parents started shouting at me & were talking & using very bad words about my parents & me. They says that my parents have no rights to come & ask their son, that why he has hitted me & I should not tell my parents anything. Till 4'O' clock in the morning the entire family (my husband, his father, mother, father's, brother & father's brother's wife) made me to sit & shouting at me & black mailing, my father-in-law said that if I go to my mother's place he will publish in Newspaper that I had run away with some guy & will complain in Police Station. I was barring everything for my daughter & thought so long I was barring so let me adjust more for my daughter & my husband told that we will go to counselling.

We went to counselling on 5th Feb to Turning point in Ashok Nagar. In the counselling I told that he will disclose all the personal what ever I share to & the consular told not to share but he has shared everything to his parents & after coming from counselling he

told his parents that let her go to training to Bangalore & stay in her sister's house but his parents started shouting @ both of us & he left to night shift after that his parents were talking bad about me & my parents keeping the importance of training in mind, I told ok to my mother-in-law come along with me & my in laws told that they will spend for their expenses including boarding & lodging but after reaching there she says that she didn't carry cash & I spent everything then also she was making some issues & lot of things happened but during my visit I once went to my sister's place.

After returning from Bangalore i.e. on 14th Feb morning my husband & my mother-in-law starting using bad words about my family & on me & was giving lot of mental torture. Where I can't even bare that & the body language they use they were motivating me to commit suicide, likewise they were using bad words about me, my sister & my mother, brother-in-law, father & everyone.

When my sister called me to find out whether I have reached house safely my husband took that call & was speaking harshly to my sister & brother-in-law & he didn't allow me to speak to any one. Then my sister called 100 & said that my husband is harassing me & Police reached home & was compromising to live together without any fight & my husband was acting very well. He always use to act very well in front of others.

They told that they will take me to Coimbatore where my father-in-law is there & they will call my aunty's family & will talk to them & to everyone they will spoil my & my family name & will I get separated from each other. Since last time they were cleverly planning this time I thought I will take some time & will get rid of them, I called my parents my brother said he will come next day morning & I told my husband that I will meet an Advocate will get the papers ready to get separated & for that I required one day time he said ok & I was waiting for my brother to come & came out of the house only carrying my daughter & my mobile, not even wearing chappals. Think of my situation if im coming out of house not even wearing chappals. Then we have sent a telegram to Commissioner & womens Police stating that due to harassment I'm

leaving to my mother's place along with my brother & daughter & through flight, (on 15th Feb 2010).

Meanwhile my husband was trying to reach me but I didn't pick the call. But after reaching my mother's place I called up my husband & told I have come to my mom's place.

My father-in-law called my Office & asked them to take me out of job & when they say no he asked them if he makes me to arrest by Police will they take me out of job.

My mother-in-law & father-in-law still calls my relatives & says that I had ran away with some guy & using very bad words about me & my family members, that my entire family in prostitute & so on.

Daily she is making this to as habit & giving mental harassment to entire family & now they want me to come to Coimbatore & attend a family wedding & should live with my husband & should not have any contacts with my family. They are treating me as slave & not even considering me as human & they are ordering me. Please take necessary action on them.

Now I heard that they are going to shift the Saidapet house to Coimbatore 90% things in that house are brought by me. I have taken personal loan & got all these things still paying repayment for it. Request your help to rescue all my things. Along with this letter I have given the list, also.

Couldn't able to write everything in detail will explain you everything in person. Please sent him a notice on basis of this letter".

Ex.P3 is the E-Mail sent by the deceased Sujatha to her friend Vinu, Dubai.

Ex.P4 is the Letter dated 28.01.2011 of the deceased Sujatha addressed to one Mr.Sethuraman, Head – Finance & Compliance, Futurist Insurance Broking Company Private Ltd., Chennai.

Ex.P5 is the Diary written by the deceased Sujatha. This letter ExP4 and Diary ExP5 sent for comparison to Chennai Forensic Lab to compare the handwriting and signature of the deceased Sujatha's ExP2 letter.

Ex.P6 is the Complaint dated 31.05.2013 given by PW1 Ranjitham to the Assistant Commissioner of Police (East)(Law & Order), Coimbatore.

Ex.P7 is the hints written by the deceased Sujatha in a paper.

Ex.P8 is the Observation Mahazar dated 02.05.2013 prepared by the Investigation Officer at the occurrence place at Coimbatore, Nava India Signal before the witnesses Senthilkumar and Devi at 10.00 a.m. to 10.30 a.m.

Ex.P9 is the Statement of PW1 Ranjitham to R.D.O. Coimbatore dated 02.05.2013.

Ex.P10 is the Accident Register dated 27.04.2013, Coimbatore Kovai Medical Centre Hospital Alleged H/O Consume on of Poisoning on 26.04.2013 around 9.20 PM. Nature of Injury: Cow Dung Powder – Green.

Ex.P11 is the Death Intimation dated 02.05.2013, Coimbatore Kovai Medical Centre Hospital to AWPS (East) Police Station, Puliyakulam, Coimbatore.

Ex.P12 is the Requisition Letter dated 02.05.2013 sent by **Sub Divisional Magistrate and Revenue Divisional Officer, Coimbatore to the Professor of Forensic Medicine, Medical College Hospital, Coimbatore** in Cr.No.8/2013, dated 02.05.2013 in which it contains:

The Sub Inspector of Police, AWPS, Coimbatore East has reported in the reference cited that Tmt.Sujatha (Age-33) W/o.Shanmuganantham died on 2.5.2013 due to poisoning.

The brief history of the case as reported by the police is as follows:

It is reported that the deceased has consumed Green Cowdung Powder at Nava India Bus Stand, Avinashi Road, Coimbatore District on 26.4.2013. Immediately, with the help of public she was taken to Coimbatore Government Hospital on 108 Ambulance. And then she was taken to KMCH for further treatment. While in treatment she expired on 2.5.2013 at 1.20 a.m. Now the Body is kept in C.M.C. Mortuary.

As per the recent orders, I held inquest over the dead body of the deceased Tmt.Sujatha (Age-33), W/o.Shanmuganantham today, since she was married and died within a period of seven years.

Hence, I send herewith the dead body of the deceased Tmt.Sujatha (Age-33) W/o.Shanmuganantham and request that a team of Doctors may kindly be instructed to held autopsy over the dead body and issue necessary post-mortem certificate early. The body may be kept in the mortuary till the Post-Mortem is over. The time of death may also be reported. The body may be disposed of according to hospital Rules. The viscera may kindly be preserved and sent for chemical analysis. **Ex.P13** is the Post-mortem Certificate dated **02.05.2013** in which it has been stated in the report that, :The body was present rigor mortis all over the body, finger and toenails were bluish in colour. Greenish tinge was noted over both palms and soles. No evidence of any ante mortem external and internal injuries noted over the body.

OPENING FINDINGS:-

- Peritoneal and Pleural cavities: empty.
- Heart: all chambers contains about few cc of fluid blood. Coronaries patent,
- Hyoid bone – intact.
- Stomach contains about 50 ml of brown colour fluid with unpleasant smell, mucosa deeply congested.
- Small intestine contains about 10 ml of brown colour fluid with unpleasant smell, mucosa deeply congested.

- Liver, Lungs, Spleen, Kidneys and Brain: Cut section congested.
- Urinary bladder – empty.
- Uterus: Normal in size, cut section empty.
- Viscera preserved and sent for chemical analysis.

OPINION: Reserved pending for chemical analysis report.

Ex.P14 is the Chemical Analysis Report dated 14.05.2013 in RT.1187/2013, CBE/Tox. II. 1103/2013 sent to the Professor of Forensic Medicine, Coimbatore Medical College Hospital, Coimbatore and signature of the Assistant Director and Assistant Chemical Examiner to Government and Junior Scientific Officer, Forensic Sciences Department.

The following items were received here on 03.05.2013 with proper labels through woman Police Constable 257, Tmt.Jayasri, under unbroken seals which corresponded with the sample sent.

1. Stomach and its contents
2. Intestine and its contents.
3. Liver & Kidney.
4. Preservative

The above four(4) items were examined and poison was not detected in any of them.

Ex.P15 is the Final Opinion of CMC Hospital, Coimbatore dated 02.05.2013.

The history of the case the treatment history and the autopsy findings are consistent with the deceased would appear to have died of poisoning. How ever the nature of which could not be deducted by chemical analysis.

Ex.P16 is the Requisition for document analysis dated 21.10.2013 from the Additional Mahila Court Coimbatore sent to The Director, Tamil Nadur Forensic Science Laboratory, (Document Division), Mylapore, Chennai.

The requisition letter and history of the case are here with sent through HC 698 Tmt.Thangam.

The Deputy Director, Documents Division, Forensic Sciences Department, Mylapore, Chennai. dated 25.10.2013 to the Additional Mahila Court, Coimbatore.

On preliminary examination of the documents sent along with your letter cited, it is brought to your kind notice that

Some more (5 to 10 Nos) admittedly genuine signatures / writing (in English) of the deceased person called “R. Sujatha” found on existing documents like Note Books, diaries, Cheques, agreements, Receipt, Voucher etc., preferably made during the year 2011 -2013 are necessary for examination.

Hence all the documents are returned through Tmt.A.Thangam, Police Head Constable No.698, in a sealed cover with a request to forward again along with the above said further material.

Ex.P17 is the Signature Analysis Report sent by “The Deputy Director, Documents Division, FSD to the Addl. Mahila Court, Coimbatore, on examination of the documents, report dated 20.02.2015.

The documents received along with your letter cited on 12.03.2014 through Woman Police Head Constable No.1960 Tmt.M.Sudha, under unbroken seals which corresponded with the sample sent, were carefully examined by the undersigned experts in this department and the result of the examination is furnished below.

The person who wrote the red enclosed signature and writings stamped and marked A1 to A70 also wrote the red enclosed signature and writings similarly stamped and marked Q1 to Q26.

The reasoning sheet is enclosed.

A1 to A70 also wrote the signature and writings marked Q1 to Q26.

Both the standard and questioned signatures and writings have been freely written and they agree cumulatively in the handwriting characteristics. The characteristic agreements include among other things the following.

1. The skill of writing.

2. The alignment between the letters in the signature 'R. Suj-th' and the words 'Sujatha.R.', 'Plot', 'From', 'To', 'Chennai', 'Respected', 'Sir'. 'the', 'above', 'address', 'Parents', 'months', 'Request', 'Family', 'with', 'letter', 'spouse', 'Thanking', 'you', 'Yours', 'truly', 'will', 'Coimbatore', 'call', 'Place', 'take', 'time', 'home', 'talk', 'every', 'Bangalore'.

3. The location and manner of making 't' crossing in the signature and in the writings.

4. The relative sizing between the letters 'R' & 'S', 't', & 'h', in the signature 'P' & 't', 'e', & 's', 't', & 'h'; 'f' & 'P'; 'P' & 't'; 'h' & 'k' in the writings.

5. The manner of connecting the letters 'u', 'j' in the signature and the letters

't', 'h', & 'a'; 'r', 'e', 's' & 's'; 'c', 'a', 'l' & 'l'; 'a', 'r', 'e', 'n', 't' & 's'; 'C', 'h'; 'e' & 'n'; 'R', 'e' & 's'; 'C' 't' & 'e'; 'a', 'm' & 'P', 'e', 't', 't', 'e' & 'r'; 'o', 'u', 's' & 'e'; 'h', 'a' & 'n'; 'r', 'u', 'l' & 'y'; 'a' & 't'; 'a', 'c' & 'e'; 'a', 'k' & 'e'; 'a', 'l' & 'k'; 'e' & 'v'; 'e', 'r' & 'y'.

6. The manner of terminating the letters 'R', 'S', 'j', 't' in the signatures and the letters 'F', 'm', 'd', 'r', 'b', 's', 't', 'q', 'y', 'P', 'k', 'y', 'u' in the writings.

7. In the detailed designs such as the beginning and formation of loops and curves in the letters 'R', 'S', 'j', 't' in the signature and of the letters 'P', 't', 'F', 'm', 'T', 'h', 'a', 'd', 'r', 's', 'f', 'y', 'k', 'g', 'y', 'u', 'l' in the writings.

Ex.P18 is the R.D.O. Report dated 02.05.2013 in which there is inquest report on the deceased Sujatha, statement of Ranjitham, M.Rajan and the accused Shanmuganathan.

Ex.P.19 is the First Information Report registered on 02.05.2013 in AWPS East, Coimbatore City in Cr.No.8/2013 u/s. 174 Cr.P.C.

Ex.P20 is the Rough Sketch Dated 02.05.2013.

Ex.P21 is the Form 95 dated 27.06.2013 (Ex.P2 – Letter of deceased Sujatha addressed to her Advocate, Ex.P3 – Google E-Mail of deceased Sujatha sent to her friend Vinu, Ex.P4 – One Diary of deceased Sujatha.)

Ex.P22 is the Alteration Report dated 27.06.2013 in which the section is altered from 174 Cr.P.C. to 498(A), 306 IPC.

10) It is the case of the prosecution that the accused had quarrel with the deceased frequently and on perusal of ExP2 letter written by the deceased the accused started creating quarrel with the deceased from the day of reception and as the deceased mention in her letter that from the day one of her life the accused started abusing and harassing her. The deceased is not a lay woman, she is well educated and worked in a high position and a earning member of the family. Further it is argued by the defence counsel that at the time of death and RDO enquiry, the deceased mother and brother had not stated anything against the accused and only after when he ask the custody of the child, PW1 gave a complaint ExP6 and initiated this case and this case has no ground. In the complaint ExP6 and evidence of PW1 to PW3, they have stated clearly that after all the final ceremonies are over for the deceased, when they clean the cup board of the deceased, PW1 found this letter ExP2, and when open the mail of the deceased they found the email sent by the deceased to her friend Vino and she gave EXP6 complaint along with this letter ExP2 E-mail copy ExP3 to the Assistant Commissioner which were received by him in Form 95 ExP-21. In Ex.P18 R.D.O's Report in column-15 reason for the death, it has been stated that "Due to the problems between the husband and

wife, the deceased Sujatha stressed mentally and drank green colour dung powder and died. In the statement given by Ranjitham/Pw1 before R.D.O. she states that her daughter Sujatha and son-in-law used to have misunderstanding some times and at that time her husband will beat her and eventhough there is a frequent quarrel between them, due to the torture of her mother in law she applied Divorce. Then her husband family talked compromise and she joined with her husband. My daughter make her daughter study at Coimbatore and went to job. One month before, again they two got problem and Shanmuganathan mother call me and asked me to take my daughter by saying she is creating problem with her son. Then she went with her son and her daughter came to her house and Sujatha went to job from her house. She take her daughter for study and in leave, Shanmuganathan will take the child. On 26.04.2013 her daughter told that her mother-in-law contacted her and asked her to bring the child and after her work at about 06.30 p.m, She told that she is going out with her daughter and she went out. After dropping the child in the class, my daughter found fainted at Nava India Bus Stand, Avinashi Road by drinking green dung powder and she was taken in 108 Ambulance by public and admitted in Coimbatore Medical College Hospital and one of them called me and told this, immediately we went to the Hospital and when we saw her, the treatment is going and then Sujatha was taken for further treatment to KMCH Private Hospital and she died on 02.05.2013 early morning at 01.20 a.m. My daughter drank green dung powder due to mental stress and her death was not due to dowry harassment or due to her husband or her husband's house harassment. there is no suspicion.

The same statement was given by the deceased father Rajan. The statement of the accused is that he and his wife had misunderstanding one month before, and his mother told Sujatha's parents to take her, So his wife along with his daughter Diksha went to her mother's home. On the week end Friday and Saturday child will be with him. Likewise on Friday 26.04.2013 his wife handed over his

daughter to him and went away and at about 08.30 p.m. his parents contacted him and told that Sujatha fell fainted at Nava India Bus Stand, Avinashi Road, by drinking green colour dung powder and she was taken in 108 ambulance by the public to Coimbatore Government Medical College Hospital and one of them contacted in cellphone and told the details. So, he immediately went to the Hospital and saw his wife. When he asked his wife she told that she bought green colour dung powder at Townhall and drank it. Then he take his wife for further treatment to KMCH Private Hospital, but inspite of treatment she died on 02.05.2013 early morning 01.20 a.m. His deceased wife drank green colour dung powder due to **mental stress**. He is not suspicious on anyone.

11) On perusal of the chief and cross examination of the prosecution witnesses, they clearly state that there is no dowry harassment from the beginning but the accused from the day of marriage started abusing, harassing and insulting the deceased in all ways and manners known to him. The marriage between the deceased and the accused arranged by the elders held on 24.10.2007 and admittedly after marriage since both of them worked at Chennai they went to Chennai. The letter stated to be written by the deceased to her advocate in the year 2010 before filing a divorce case, ExP2 the letter in detail narrate the happenings from the day of marriage to Bangalore training incident and how she went to Hyderabad to her parents house. This letter written by the deceased from her parents home at Hyderabad. There is no date mentioned in it. But on reading the whole one can easily find out that its not a story. She explained everything in detail from the depth of her heart and it cannot be stated as a manipulated one. The mother's 2nd complaint based on this ExP2 narrated the same. In the ExP2 letter and ExP6 complaint it has been clearly stated that the deceased was harassed and hitted by her husband frequently and lastly when there is an argument between her and her husband for going to the training to Bangalore, only at that time since she could not control herself and at that time since her parents are nearby, she went immediately

and told them and when her parents came and ask her husband/accused, the accused beat her father and mother by holding her father's shirt and by slapping her mother, further he abused them in bad words which is not tolerated by the deceased, and she call the police and they came and advised them. All this happenings narrated by the deceased in her EXP2 letter. This incident happened when she talked with the accused for her trip to Bangalore for training which is in February 2010 and she denied permission to go and stay with her sister in her house and her mother in law accompanied her and after returning when her sister called her to ask about her return journey safely, the accused picked the call and abused her sister and her husband. This shows how the mind of the accused is get corrupted. The child was born in the year 2008 and she was 1 ½ year old at the time of her Bangalore training and she need somebody to take care of her child when she went to training and the accused had not allowed her to stay in her sister house and sent his mother with her and created a lot of problem in this and after returning also both quarreled again and the deceased called her brother who is at that time at Hyderabad and she went with him with her daughter and explained this that she went even without chappal after informing the Commissioner and police station. The accused and his parents made her to go to the extreme end by abusing and torturing her continuously and since they state that if she leave the house they would publish that she went with some guy. So she informed the Commissioner and police station before leaving her marital home to her parents house. In all the offences against the women, the first abuse is attacking their morality. Most women fell for this keeping quiet tolerating everything. She narrated in her letter further that when she came to Chennai with her father to file a divorce petition against the accused and while returning after filing a petition, the accused attacked the deceased and her father and the deceased gave a complaint in the police station in which a criminal case is registered against this accused.

12) This case is investigated by the Assistant Commissioner, and this much of happenings explained in the letter of the deceased and the mother/complainant expressed the same in her complaint Exp6 and try her maximum level to prove the case. But the Investigation Officer had not try to bring all this evidence before this court. The material records stated in the complaint given by the complainant in Exp6, the complaint given before the police station against the accused by the deceased, divorce petition etc are a piece of evidence needed in the course of investigation, but the prosecution case investigated by the Assistant Commissioner fail to furnish the same. Exp3 E-mail copy produced by the complainant which is stated to be the communication between the deceased and her friend at Dubai, not proved through proper certification. Even after with all this Exp2 letter written by the deceased in her own handwriting 25 pages of her expression, stated by the hand writing expert in his opinion in Exp17 that "The person who wrote the red enclosed signature and writings stamped and marked A1 to A70 also wrote the red enclosed signature and writings similarly stamped and marked Q1 to Q26" that is A1 to A70 are the contents of Exp2 and Q1 to Q26 are the diary and letter sent for comparison/ admitted signatures. So this letter is a piece of evidence to prove the case. The deceased narrated the happenings from marriage to the date when and how she went to Hyderabad. The learned defence counsel argued that after this letter, divorce filed and the accused and the deceased rejoin together again and lived. So this letter is of no use for the happenings long back. But this proved the narration of the happenings in the words of the deceased from her marriage to the date she went to Hyderabad that is from 24.10.2007 to February 2010, and the character of the accused as stated by the deceased and how she fix her mind to file a divorce case against her husband/accused and the reason behind it. We have to see, whether the reason and circumstances stated by the deceased in her letter changed after that, and they joined together because of that. As per the evidence, the deceased came to Chennai for filing a divorce case and the accused hit and attacked

both the deceased and her father, for which the deceased preferred a complaint. After that she came to a job at Chennai, then compromised and they joined together, hence the criminal case was withdrawn and divorce case leave it to be dismissed for default. After that the accused resigned his job and came to Coimbatore with his child without informing the deceased which make the deceased to get transfer and came to Coimbatore from Chennai and make her live with her in laws and husband jointly. From the documentary and oral evidence it is clear that they joined in March 2011 and came to Coimbatore after some months of re-union. It is stated in Exp6 complaint that the accused came to Coimbatore in March 2012, deceased Sujatha came to Coimbatore in July 2012 and the parents of the deceased came to Coimbatore in September 2012. Before her death, the deceased came to her mothers house in the month of March 2013, due to the misunderstanding between the accused and the deceased. This was admitted by the deceased himself in his statement before RDO. At the time of giving statement before the enquiry officer, all are amicable, so in casual statement the accused admitted that since there is a misunderstanding between him and his wife, his mother called his mother in law and ask her to take her daughter. If thats so, the **mental stress** is caused by the accused only. Pw1 to Pw3 categorically state that the deceased mother in law call and asked them to take their daughter by saying if not taken, her son will kill her by beating. The habit of the accused beating the deceased from the beginning is well established by the words of the deceased in her Exp2 letter. He had not stopped that till her death it seems. The deceased/wife of the accused is an MBA graduate, earning member of the family, mother of his child, but she is always left in mental agony and stress.

13) The deceased died on 02.05.2013 and an mutual agreement entered between the accused and his mother in law and brother in law on 08.05.2013 with regard to the custody of the child, stating that the child should be taken care of by the mother of the deceased and the maintenance charges to be borne by the accused

and on the demise of the mother of the deceased, her elder daughter to be taken care of the child. This copy of the agreement is marked as **ExD1**. **ExD2** is the scanned copy of intimation sent by the brother of the deceased with regard to their relocation to Chennai on 12.09.2013. **ExD3** is the Advocate Notice sent by the Accused counsel to his mother in law and brother in law on 26.09.2013, in the 5th last para of the notice “My client states that, without prejudice to my client’s right to file a case against both of you for taking his child from your illegal custody. Hereby called upon you to handover the 20 grams of gold ornaments and the above mentioned two wheeler to my client within 2 weeks from the date of receipt of this notice, failing which my client will have no other option except to approach the Criminal and Civil Court for suitable remedy. Both of You will be held liable for all costs and consequences thereon.” **ExD4** is the reply sent by the accused brother in law and mother in law(Pw1 & Pw2) to the accused on 03.10.2013 and in the last para no 10 “My client further states that, they will see that, “Justice is obtained for the death of Sujatha.”

Therefore, my clients state that, advice your client suitably not to indulge in grabbing money further from my clients even after the death of their daughter Sujatha. Further, advice your client not to threaten my clients to withdraw the criminal cases and to for sake all the illegal ways in making my clients to withdraw the criminal cases against your client. Moreover, my client hereby demands your client, to give back all the gold ornaments, cash deposits which were given by clients at the time of marriage of Sujatha with your client within 15 days from the receipt of this Notice. Failing which, my clients have to file necessary legal actions against your client.

ExD5 is the advocate notice sent by the accused to all the family members of the deceased dated 10.05.2013 to 1.mother 2. brother 3. sisters husband 4. sister 5. Inspector All women police station (East) Ramanathapuram, Coimbatore in which the accused stated that he and his deceased wife lived at Chennai till March 2012

and due to their happy married life a Daughter Diksha born 13.02.2008 at Vijaya Hospital and since he got transferred, he came to Coimbatore in March 2012, and after that his wife also got transfer and came to Coimbatore. 1, 2 person when they came to Chennai went to Hyderabad and take his wife and child by separating them from him to Hyderabad and he did not object and his wife then came to Chennai and with child to Coimbatore in July 2012. Wherever his wife and he worked and reside, 1, 2 persons came and thereby they came to Coimbatore. His wife went to their parents house on 26.03.13 with his child but not returned home. Then only he came to know that she went there to maintain her father Rajan. His deceased wife gave money to her parents and helped them since her father is not well and her brother's income is not sufficient to lead the life. 1, 2 persons asked money from Sujatha but she is not able to give since the child school expenses is there for her. On 26.04.2013 since his wife told him that his child want to see cinema, he went to her house and pick his daughter and take her to Funmall cinema theatre, and when he take ticket and before going to the theatre he heard from his father that Sujatha fell fainted near Nava India bus stop and he went directly to the hospital and she was taken to KMCH and inspite of best treatment she died on 02.05.2013. On the basis of the statement of the 1st person, case under section 174 CRPC was registered pending investigation. At this stage 1, 2 persons compelled him that they want to take the child to Bangalore, hence all the jewels of Sujatha to be handed over to them, and maintenance charges for the child to be paid by him and one share of his his fathers own earned property to be changed in the child's name and if he does not do that, they would give false complaint that his client and his family members are the cause of Sujatha's death and by threatening they got his signatures on 08.05.2013 in an agreement in two concrete papers and without reading that he signed in it and they got his signature in a note book of notary advocate within the premises of Court compound and he do not know what is written in the agreement, and his client admitted the child in Indian Public school and made her study well

and maintained her well. Only his client is having right to maintain his child and if 1 to 4 persons proceed further legal action will be taken and this copy is sent to 5th person for information in cr.no.8/13 case file.

ExD6 are the acknowledgements for the receipt of this notice **ExD5**. **ExD7** are the original tax invoice receipts for the purchase of jewels by the deceased Sujatha on 17.04.2013 at Lalitha Jewellery Chennai. She purchase one drops weighing 4.080 gms amounts to Rs.10,588.00 and necklace weighing 15.090 amounts to Rs.39,154.00/- . **ExD8** is the estimate cost of treatment issued by KMCH on 27.04.13. **ExD9** is the summary bill for the treatment of the deceased and the total bill amount Rs.2,54,549.00/- dated 02.05.2013. **ExD10** is the bill paid for Dhiksha at Handwriting Labs, amount Rs.1,800/- dated 03.04.2013. **ExD11** is the receipt issued by Fodas Dance Company dated 06.04.13 for Dhiksha amount Rs.1,300/-. **Ex.D12** is the consent given by the Board of the Shri Lalitha Jewellery Company to the Manager of the Company Mr.Ahamad Ilaiyaseen to represent the Company in this case. **Ex.D13** is the Duplicate Tax Invoice in Lalitha Jewellery for the purchase made by Sujatha on 17.04.2013 in which a Necklace weighing 15.090 gms purchased for the amount of Rs.39,545/-. **Ex.D14** is the Duplicate Tax Invoice in Lalitha Jewellery for the purchase made by Sujatha on 17.04.2013 in which a Drops weighing 4.080 purchased for the amount of Rs.10,690/-. **Ex.D15** is the complaint given by the accused to the Inspector B9 Saravanampatty P.S. Coimbatore asking his custody of the child dated 15.05.2013. **Ex.D16** is the Enquiry Report, **Ex.D17** is the Reply of PW1 Ranjitham in this petition. In this CSR No.316/2013, dated 15.05.2013, the accused had given this petition seeking custody of the child and Police on recording the statement of PW1 Ranjitham, finally, decide that since the problem is Civil in nature they have to approach the Court and get remedy. **Ex.D18** is the HDFC Credit Card Statement of the accused to show that he paid the bills of Kovai Medical Centre from 27.04.2013 to 02.05.2013. **Ex.D19** is the Credit Card Statement of the accused in HDFC Bank.

14) The learned defence counsel wants to establish the fact that there is no dowry demand. On perusal of the evidences on the prosecution side, there is no sufficient evidence to prove that the accused harass the deceased by asking dowry. But there is continuous cruelty caused by the deceased by beating, hitting and abusing. Even though the mother brother and sister of the deceased state that the parents of the accused demanded 25 sovereign at the time of marriage, it is stated before RDO that they put the jewels at the time of marriage on their wish and not on demand. So there is no demand of dowry by the accused. The deceased is a earning woman, in a high level job earn equally to the accused. But from the evidences of the family members of the deceased, and the written letter of the deceased it is clear that the accused is in the habit of abusing hitting and insulting the deceased for the best reasons known to him. As a man he should not only take care of his parents, but also a woman came in his life, that too a woman with good education and job, the accused is in the habit of ill treating her from the beginning and it went up to level of filing divorce petition and later even though it was left for dismissal and the deceased join with the accused, taking advantage of the same the accused continue to act cruelly with her. It is pointed out in the RDO report by the accused himself that she consume poison due to the mental stress. To convert the same on the parents of the deceased, he issued a notice stating that they ask money from the deceased, but she could not afford since she had to bear the school expenses. In the same ExD5 notice he put a contra statement that he give good education for his child. So there is a query whether he paid the fees or the deceased. The death occurred on 02.05.2013, the agreement for custody of child entered into between the accused and PW1 and PW2 on 08.05.2013 and the accused issued ExD5 notice to all the family members of his deceased wife plus the Inspector of this crime number police station on 10.05.2013. Again the accused issued an Advocate Notice to his mother in law and brother in law on 26.09.2013 under ExD3 in which he states that he reserves a right to file a case against both for taking his child

from his illegal custody called upon them to handover the 20 grams of gold ornaments and the two wheeler to him within 2 weeks from the date of receipt of this notice, failing which he will have no other option except to approach the Criminal and Civil Court for suitable remedy. Both of them will be held liable for all costs and consequences thereon.” ExD4 is the reply sent by the accused brother in law and mother in law(Pw1 & Pw2) to the accused on 03.10.2013.

15) The accused had filed the Original purchase invoice bill for the purchase of the jewellery bought by the deceased and demanded the same from PW1 & PW2. To prove that it was purchased, he examined the manager of the Jewellery shop and argued that only the deceased mother demanded money from her and she consumed poison on that quarrel. The defense witnesses had not supported the version of the accused. The own sister of PW1 examined as DW6 Dr.Vijayalakshmi and she states that the accused her son-in-law, husband of Sujatha. Marriage between Sujatha and the accused conducted 7 years before and after that both resided at Chennai for 5 to 6 years and they came to Coimbatore in 2013 January, February. They came to Coimbatore to join their child and her sister daughter Sujatha in a managing position at Futuris Insurance Company and in April 2013 Sujatha came to her sister’s house to join the child in vacation Dance class and Extra curricular Activities. She stayed in Ganapathy in her sister’s house and takes her sister’s grand daughter to the Dance Class at Ganapathy and R.S.Puram. Before occurrence Sujatha talked to her and she told that she is coming to her house. While talking she is vomiting and the Police conveyed the message and immediately she told them to admit her in the Kurinji Hospital. Since Sujatha consumed Poison, she was taken to G.H. and while talking she asked Sujatha where is the child for which Sujatha told she gave her to her husband. Lastly she saw Sujatha in G.H. she and Sujatha’s mother-in-law admitted her in KMCH and she was with her at the time of treatment, when she was taken from G.H. to KMCH. She is not conscious and not told anything. When she was at KMCH, the treatment expenditure were bear by

Shanmuganantham. Her sister's daughter after coming from Chennai to Coimbatore she is close to her and told all the details and she had not told any problem between her husband and mother-in-law. All are happy at that time. After coming from Chennai to Coimbatore she don't know whether there is any problem between them. From the evidence of this witness, the accused want to establish there is no dispute between him and his wife. The dispute is not told by the deceased even to her own parents for sometime and they came to know only when it goes beyond her control. Even in Exp2 she says that she tolerate everything for her daughter, thats the mindset of woman with girl children's. All the witnesses and the documents adduced by the defense establish the fact that he paid the hospital bill, he had the original bill for the jewellery purchased by the deceased when she was at her parents home (the mother of the deceased/Pw1 says that when her daughter admitted in the hospital consuming poison she was fainted and the accused take the handbag and the cell phone of the deceased), and the child was admitted in dance class and handwriting class and the child is being swinging from mother to father in week days and week end. Nothing established beyond this.

16) The wife of the accused, due to the misunderstanding arose between her and the accused thrown out from her husband's house to her mothers house. This was admitted by the accused in his statement before the Revenue Divisional Officer enquiry. The main cause of mental stress and cruelty the deceased suffer is that she is compelled to show the child to the accused and his parents in the week ends. The deceased who is also working in a managerial post in the insurance company is stressed to do this on compulsion. In the RDO enquiry the accused stated that the deceased handed over the child and went away. But in the notice sent by him, he mentioned as if he went and pick the child. The statement of the accused in each and evry document filed by him is contradict each other. At the time of committing suicide, it is categorically stated by all the prosecution witnesses, and the accused that the mother of the accused ask to send the child and the deceased

went out with the child in the evening and after leaving the child with the accused, she consumed poison. Those who sow the seed only harvest, the accused who instigate the woman to commit suicide spend the hospital expenses to save her. If she is saved, he would have saved himself from the penal action. In Narwinder Singh Vs. State of Punjab 2011 (1) SCR page 110, Our Hon'ble Supreme Court held that conviction sustained under section 306 I.P.C even when it is found that evidence is insufficient to convict the accused under section 304(B), 498A IPC eventhough no specific charge framed.

In Ramesh Kumar Vs. State of Chattisgarh in 2001 9 SCC 618 our Honourable Supreme Court held that if the accused by his continued course of conduct of act creates such circumstances that the deceased was left with no other option except to commit suicide, instigation may infer.

It is stated in the same case that, Section 113-A of Evidence Act which reads as under:- Presumption as to abetment of suicide by a married woman.- When the question is whether the commission of suicide by a woman had been abetted by her or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, the Court may presume, having regard to all the other circumstances of the case, that such suicide had been abetted by her husband or by such relative of her husband.

A bare reading of Section 113-A shows that to attract applicability of Section 113-A, it must be shown that (i) woman has committed suicide, (ii) such suicide has been committed within a period of 7 years from the date of her marriage, (iii) the husband or his relatives, who are charged had subjected her to cruelty. On existence and availability of the above said circumstances, the Court may presume that such suicide had been abetted by her husband or by such relatives of her husband. **Here in this case the accused wife committed suicide and she had been instigated continously by her husband to commit suicide by**

subjecting her to cruelty by way of physical and mental stress cause on her. The Revenue Divisional Officer report also says the same.

Reply to the citations mentioned by the learned defence counsel is as follows:

1. (2011) 2 Supreme Court Cases (Cri) 1 – S.306 and 107 IPC – This Citation clearly correlate with the facts of the present case that the accused push the victim his wife to commit suicide by continous mental and physical torture. The act of the accused instigate the commission of suicide by his wife.
2. AIR 2014 SUPREME COURT 1782 – S.498 IPC,- The facts of the case does not suits the present case.
3. 2019 SAR (Criminal) 1110 – In this case there is no dowry demand and the cruelty is not with regard to dowry.
4. (2015) 2 Supreme Court Cases (Cri) 422 – The facts of this case does not suits the present case.
5. (2015) 1 Supreme Court Cases (Cri) 24 – Electronic record not proved under due certification and not taken into account.

This Court on the above said discussion came to the conclusion that the cruelty met by the deceased is not for dowry. But she is subjected to continous cruelty by her husband. So the charges framed against the accused under section 498(A) is not proved beyond reasonable doubt. At the same time the act of the accused by separating his wife and childrens who are living in the same place and leaving them at her parents house at Coimbatore and he lives with his parents and order her to produce the child to whims and fancies makes the deceased stressed mentally and physically, which cause her mental stress and this instigate her to commit suicide. Hence this activities of the accused leaving his wife and children with her parents, and ask her to obey his conditions by picking and dropping the child has cause mental stress and this action of the accused/ abett the deceased to commit suicide. Hence the charge framed against the accused u/s 306 I.P.C is proved beyond reasonable doubt.

17) Since the accused found guilty under section 306 I.P.C he had been examined about the sentence to be imposed on him under section 235(2) Cr.P.C. He replied that “ He is the only person to take care of his aged parents”. This court considered the reply and the gravity of the offense committed by the accused deems it fit and proper to convict the accused with maximum punishment.

In the result, the accused not found guilty under section 498 (A) IPC and acquitted for the offence u/s 498 (A) IPC and the accused found guilty under section 306 I.P.C and convicted and sentenced to undergo 10 years R.I. for the offence U/s 306 I.P.C and imposed a fine of Rs.5,000/- in default to undergo One Year R.I. The sentence already undergone by the accused are ordered to be set off u/s 428 Cr.P.C. There is no property produced in this case.

Directly typed by me, corrected and pronounced by me in the Open Court this the 05th day of February, 2020.

(Sd/-)J.Rathika,
Sessions Judge,
Mahila Court, Mahalir Neethimandram,
Coimbatore.

WITNESSES EXAMINED ON THE SIDE OF PROSECUTION:

- | | | |
|----|-------|--------------------|
| 1 | P.W.1 | Tmt.Ranjitham |
| 2. | P.W.2 | Thiru.Prabhu |
| 3. | P.W.3 | Tmt.Jeyanthi |
| 4. | P.W.4 | Thiru.Senthilkumar |
| 5 | P.W.5 | Dr.Kesavamurthy |
| 6 | P.W.6 | Thiru.Rajendran |
| 7 | P.W.7 | Dr.Kulanthaivelu |

- | | | |
|----|--------|---|
| 8 | P.W.8 | Thiru.Thangaduri, Document Expert. |
| 9 | P.W.9 | Thiru.Santhakumar, General Manager, Tamil Nadu Fiber Net Corporation. |
| 10 | P.W.10 | Tmt.Jeyadevi, Sub-Inspector. |
| 11 | P.W.11 | Thiru.Chandramohan, Additional Deputy Superintendent. |
| 12 | P.W.12 | Thiru.Baskaran, Assistant Commissioner of Police (Retd.,) |

EXHIBITS MARKED ON THE SIDE OF PROSECUTION:

- | | | | |
|----|---------|------------|--|
| 1. | Ex.P.1 | 29.04.2013 | Complaint Statement. |
| 2. | Ex.P.2 | -- | Letter of the Deceased Sujatha addressed to her Advocate. |
| 3. | Ex.P.3 | -- | E-Mail of the Deceased Sujatha addressed to her friend Vinothini. |
| 4. | Ex.P.4 | 28.01.2011 | Letter of the Deceased Sujatha addressed to her Office. |
| 5. | Ex.P.5 | -- | Deceased Sujatha's hand written Diary. |
| 6. | Ex.P.6 | 31.05.2013 | PW1 Ranjitham given to copy of 2 nd complaint to the Assistant Commissioner of Police (East)(Law & Order), Coimbatore. |
| 7 | Ex.P.7 | -- | Noted the hints paper of deceased Sujatha. |
| 8 | Ex.P.8 | 02.05.2013 | Observation Mahazar. |
| 9 | Ex.P.9 | 02.05.2013 | PW1 Ranjitham's signature of R.D.O. Statement. |
| 10 | Ex.P.10 | 27.04.2013 | Copy of Accident Register. |
| 11 | Ex.P.11 | 02.05.2013 | Death Intimation. |
| 12 | Ex.P.12 | 02.05.2013 | Santhakumar PW9 Sub Divisional Magistrate and Revenue Divisional Officer, Coimbatore from Requisition Letter sent to the Professor of Forensic Medicine, Medical College Hospital, Coimbatore. |
| 13 | Ex.P.13 | 02.05.2013 | Post-mortem Certificate. |
| 14 | Ex.P.14 | 14.05.2013 | Chemical Analysis Report. |
| 15 | Ex.P.15 | 02.05.2013 | Final Opinion. |
| 16 | Ex.P.16 | 26.09.2013 | Requisition Letter. |
| 17 | Ex.P.17 | 20.02.2015 | The Deputy Director, Documents Division, FSD sent to the Addl. Mahila Court, Coimbatore for Signatures Analysis Report proceedings. |

- 18 Ex.P.18 02.05.2013 R.D.O. Report.
19 Ex.P.19 02.05.2013 First Information Report.
20 Ex.P.20 02.05.2013 Rough Sketch.
21 Ex.P.21 27.06.2013 Form-95
22 Ex.P.22 27.06.2013 Section Alteration Report.

MATERIAL OBJECTS ON THE SIDE OF PROSECUTION: -NIL-

WITNESSES EXAMINED ON THE SIDE OF DEFENCE:

- 1 D.W.1 Thiru.Murugappan.
2 D.W.2 Thiru.Thadeus
3 D.W.3 Thiru.Ahamad Iliyas
4 D.W.4 Thiru.Bharathiraja
5 D.W.5 Thiru.Shanmugamprabhu
6 D.W.6 Dr.Vijayalakshmi

EXHIBITS MARKED ON THE SIDE OF DEFENCE:

- 1 Ex.D.1 08.05.2013 Xerox copy of Agreement.
2 Ex.D.2 07.09.2013 Xerox copy of Letter of P.W.2 addressed to accused.
3 Ex.D.3 26.09.2013 Xerox copy of Advocate Notice of accused addressed to the PW.1 and P.W.2.
4 Ex.D.4 03.10.2013 Xerox copy of Reply Notice of P.W.1 & P.W.2 addressed to the accused.
5 Ex.D.5 10.05.2013 Xerox Copy of the legal Notice.
6 Ex.D.6 -- Acknowledgement Card (4 Nos.) series.
7 Ex.D.7 17.04.2013 Jewel Receipt (2 Nos).
8 Ex.D.8 27.04.2013 Estimation cost of treatment at Kovai Medical Center and Hospital Ltd., Coimbatore of deceased Sujatha.
9 Ex.D.9 02.05.2013 Summary Bill issued for the treatment of deceased Sujatha at Kovai Medical Center and Hospital Ltd., Coimbatore.

10	Ex.D.10	03.04.2013	The Bill No.3090 was given to a student name of Diksha.
11	Ex.D.11	06.04.2013	Receipt for class from Fodas Dance Company.
12	Ex.D.12	--	Authorization Letter of Lalitha Jewellery Mart Pvt., Ltd.,
13	Ex.D.13	17.04.2013	Duplicate copy of Tax Invoice sent to deceased Sujatha.
14	Ex.D.14	17.04.2013	Duplicate copy of Tax Invoice sent to deceased Sujatha.
15	Ex.D.15	15.05.2013	Copy of complaint of accused Shanmugananth to the Inspector of Police, B9 Police Station, Saravanampatty.
16	Ex.D.16	15.05.2013	Copy of Enquiry Report Petition No.316/2013.
17	Ex.D.17	15.05.2013	Copy of the Reply of P.W.1 Ranjitham.
18	Ex.D.18 series	--	Copy of the Credit Card statement of accused Shanmugananth (3 Nos).
19	Ex.D.19	--	Copy of the Credit Card Statement of accused Shanmugananth.

(Sd/-)J.Rathika,
Sessions Judge,
Mahila Court, Mahalir Neethimandram,
Coimbatore.