

**IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE(FTC),
TENKASI.**

PRESENT: THIRU.S.MANOJKUMAR, M.A., M.L.,
ADDITIONAL DISTRICT AND SESSIONS JUDGE.

Wednesday, the 10th Day of June 2026

CRIMINAL APPEAL NO.100/2022

(CNR No.TNTS01-001512-2022)

From which Court the Appeal is preferred	Additional District Munsif cum Judicial Magistrate Court, Sivagiri.
Number of the Case in that Court	C.C.No. 269/2014
Number of the Appeal	100/2022
Name and description of the Appellants/Accused	Kaliraj, Aged 41 years, S/o. Chinna Esakkimuthu, Kalamankovil Colony, Devipatinam.
Name and description of the Respondent	State represented by: The Inspector of Police, A.W.P.S.,Sankarankovil, Cr.No.48/2013
The sentence and law under which it was imposed in the lower court.	The Lower Court convicted the appellant/accused u/s 498(A) IPC and sentenced to undergo R.I. for two years and to pay a fine of Rs.3,000/- in default to undergo S.I. for one month, convicted u/s 4 of Dowry Prohibition Act and sentenced to undergo R.I. for one year and to pay a fine of Rs.3,000/- in default to undergo S.I. for one month and also directed to pay a sum or Rs.3,000/- from the fine amount to the victim i.e. P.W.1 Shenbagavalli

	as compensation u/s 357 Cr.P.C.
Whether confirmed, modified or reversed; and if modified the modification	Allowed In the result, (i) This Criminal Appeal is allowed. (ii) The conviction and sentence imposed on the Appellant/ 1st Accused u/s 498(A) IPC and 4 of D.P. Act by the the learned Additional District Munsif cum Judicial Magistrate, Sivagiri in C.C.No.269/2014 dt, 21.11.2022 is hereby set aside and the Appellant/1st Accused is acquitted from the charges levelled against him u/s 248(1) Cr.P.C. (iii) The fine amount, if any paid by the Appellant/1st Accused, shall be refunded to him. (iv) The bail bond executed by the Appellant/1st Accused shall stand cancelled.
Date of presentation	12.12.2022, 14.12.2022
Date of Filing	20.12.2022
Date of Notice issued by Court to appear	23.12.2022
Date of Bail bond of appellant has been let out on, or bail	--
Date on which Appellant ordered to appear	19.01.2023
Date of Hearing	08.06.2026
Date of Order	10.06.2026

This Criminal Appeal came before this Court finally on 08.06.2026 in the presence of Thiru.M.Leyon, Advocate for the Appellant and Thiru.S.Velusamy, Additional Public Prosecutor for the Respondent and upon hearing the arguments of both sides, and upon perusal of the entire case records and this Criminal Appeal having stood over for consideration till this day, this Tribunal delivered the following

JUDGMENT

This Appeal has been filed by the Appellant/Accused u/s 374(3) of Cr.P.C. against the Judgment delivered by the learned Additional District Munsif cum Judicial Magistrate, Sivagiri in C.C.No.269/2014 dt.21.11.2022 whereby the learned Magistrate convicted the appellant/accused u/s 498(A) IPC and sentenced to undergo R.I. for two years and to pay a fine of Rs.3,000/- in default to undergo S.I. for one month, convicted u/s 4 of Dowry Prohibition Act and sentenced to undergo R.I. for one year and to pay a fine of Rs.3,000/- in default to undergo S.I. for one month and also directed to pay a sum of Rs.3,000/- from the fine amount to the victim i.e. P.W.1 Shenbagavalli as compensation u/s 357 Cr.P.C.

2) For the sake of convenience, the appellant/accused would be called as accused. The respondent/complainant would be called as complainant.

3) The Inspector of Police, All Women P.S., Sankarankovil had filed charge sheet against A1 to A4 alleging that the marriage between A1 and the complainant Shenbagavalli was solemnized on 06.06.2008 and A2 is mother of A1, A3 is sister of A1 and A4 is husband of A3 and after marriage when the complainant was living jointly with the family of A1, all the accused persons demanded additional 10 sovereigns of gold jewels from the complainant and driven out the complainant from their house when she was pregnant and on 10.04.2013, when the complainant was at Sivagiri, the accused persons demanded 10 sovereigns of gold, failing which they would conduct second

marriage to A1, thereby the accused persons have committed the offence u/s 498(A) IPC, Section 4 of Dowry Prohibition Act.

4) Before Trial Court to prove the charges against the accused persons, the prosecution has examined PW1 to PW9 and marked Ex.P1 and Ex.P2. No material objects were marked on the side of Prosecution.

5) After the Prosecution evidence was closed and when the accused persons were questioned u/s 313(1)(b) Cr.P.C. regarding the incriminating evidences of Prosecution witnesses, they denied them as false. On the side of the accused persons, no witnesses were examined and no documents were marked.

6) The learned Magistrate, Sivagiri after considering the oral and documentary evidence adduced by both sides, convicted A1 u/s 498(A) IPC and sentenced to undergo R.I. for two years and to pay a fine of Rs.3,000/- in default to undergo S.I. for one month, convicted u/s 4 of Dowry Prohibition Act and sentenced to undergo R.I. for one year and to pay a fine of Rs.3,000/- in default to undergo S.I. for one month and also directed to pay a sum of Rs.3,000/- from the fine amount to the victim i.e. P.W.1 Shenbagavalli as compensation u/s 357 Cr.P.C. and acquitted A2 to A4 u/s 248(1) Cr.P.C from the charges framed against them. Aggrieved against the Judgment of the Trial Court, A1 had preferred this Appeal on the following grounds:

7) Grounds of Appeal in Brief are as follows:

The Judgment of the Lower Court is against Law, weight of evidences and broad probabilities in this case. The Trial Court failed to note that the complaint has been preferred by the complainant belatedly with an ulterior motive to harass the accused. The Trial Court failed to consider the evidence of P.W.1 that she lived with the family of her husband only for a short period of time i.e. only for three months and after that they lived separately at Devipatinam in a separate house and after the birth of child on 06.08.2009, she did not return to her matrimonial house to live with the appellant. Hence, the allegation against the

the appellant regarding demanding of additional 10 sovereigns of gold jewels from her is unbelievable. And this allegation was made after four years of her separation from the accused as a counter blast to the legal notice sent by the appellant to P.W.1 as seen from the evidence of cross of P.W.8. The alleged occurrence dt. 10.04.2013 is also unbelievable. The evidence of P.W.1, P.W.2 clearly discloses that they did not like for reunion with the appellant. The evidence of P.W.3 to P.W.7 is not a credible one as they are not the occurrence witnesses to speak about cruelty and demanding of additional dowry by the appellant. The conviction and sentence awarded by the Trial Court is too harsh and out of all proportion to the nature of the case. Hence, prayed to set aside and reverse the findings of the Trial Court in C.C.No.269/2014 dt. 21.11.2022 and the appellant is to be acquitted.

8) Now the point for consideration is,

- i) Whether, the Prosecution has proved the charge against the appellant/ accused beyond reasonable doubt?
- ii) Whether, the Trial Court Judgment warrants interference?
- iii) Whether, the Appeal is to be allowed or not?

9) Point: Since the points for consideration are interlinked and interwoven, the above points are decided together.

10) It is the case of the Prosecution that the marriage between appellant/A1 and the complainant Shenbagavalli was solemnized on 06.06.2008 and A2 is mother of A1, A3 is sister of A1 and A4 is husband of A3 and after marriage when the complainant was living jointly with the family of A1, all the accused persons demanded additional 10 sovereigns of gold jewels from the complainant and driven out the complainant from their house when she was pregnant and on 10.04.2013, when the complainant was at Sivagiri, the accused persons demanded 10 sovereigns of gold, failing which they would conduct second marriage to A1, thereby the accused persons have committed the offence

u/s 498(A) IPC, Section 4 of Dowry Prohibition Act.

11) After considering the oral and documentary evidence adduced by both sides, the Trial Court convicted appellant/A1 u/s 498(A) IPC and 4 of D.P. Act and acquitted A2 to A4 u/s 248(1) Cr.P.C from the charges framed against them. Against the conviction, the appellant/A1 has preferred this Appeal.

12) The learned counsel for the appellant/A1 has argued that after marriage P.W.1 has lived with the family of the appellant/A1 only for a short period of time i.e. only for three months and after that they lived separately at Devipatinam in a separate house and after the birth of child on 06.08.2009, P.W.1 did not return to her matrimonial house to live with the appellant/A1 and so the appellant/A1 sent legal notice and after the receipt of the said notice, P.W.1 lodged the complaint belatedly i.e. after 4 years with an ulterior motive to harass the accused and it is a counter blast to the legal notice sent by the appellant to P.W.1 as seen from the evidence of cross of P.W.8. and further argued that no occurrence happened on 10.04.2013 as alleged by P.W.1 and the complainant and her mother i.e. P.W.1 and P.W.2 disliked reunion with appellant/A1 which is clearly established through P.W.1 and the evidence of P.W.3 to P.W.7 is not a credible one as they are not the occurrence witnesses to speak about cruelty and demanding of additional dowry by the appellant and therefore the appeal is to be allowed.

13) Whereas the learned Additional Public Prosecutor has argued that the Prosecution has clearly proved the guilt of appellant through the evidence of P.W.1 to P.W.3 and P.W.4 to P.W.7 have clearly deposed about the harassment of accused persons and compromise talks between the parties and P.W.8 has clearly spoken about the registration of FIR on the basis of the complaint given by P.W.1, and P.W.9, the Investigation Officer has clearly deposed regarding the manner in which the investigation was conducted as per law and the charges against appellant/A1 has been proved beyond reasonable doubt and the Trial

Court has rightly convicted appellant/A1 and so the Judgment of the Trial Court shall be confirmed.

14) In order to prove the charges against the accused persons, before the Trial Court the Prosecution has examined totally nine witnesses. The defacto complainant, Mrs.Shenbagavalli has been examined as P.W.1. In her chief examination she had deposed that the marriage between the appellant and herself was solemnized on 06.06.2008 and after the marriage she lived with the appellant's family jointly and the sister of her husband also was living with them due to some misunderstanding with her husband and at that time they asked her to give her seven sovereigns of jewels given by her parents at the time of marriage and she gave five sovereigns and they did not return them and further demanded 10 sovereigns of jewels from P.W.1 and driven her out of their house and when she became pregnant, the accused persons told her mother that they would not look after her and therefore her mother brought P.W.1 to her house. P.W.1 further deposed that at the time of pregnancy, the appellant sent legal notice stating false allegation that she was making problem to transfer the house of the appellant's father in her name and in this regard, she lodged complaint before A.W.P.S., Sankarankoil and after compromise, they lived in a separate house in Devipatinam for five months and after baby shower she went to her parental house and after birth of the child, the appellant never came to see the child and on 10.04.2013 near Sivagiri bus stop, the appellant demanded 10 sovereigns of gold otherwise he would do second marriage and therefore she had lodged complaint before A.W.P.S., Sankarankoil and the said complaint has been marked as Ex.P1.

15) The main contention of the learned counsel for the appellant is that after marriage P.W.1 lived with the family of the appellant/A1 only for a short period of time i.e. only for three months and after that they lived separately at Devipatinam in a separate house and after the birth of child on 06.08.2009,

P.W.1 did not return to her matrimonial house to live with the appellant/A1 and so the appellant/A1 sent legal notice and after the receipt of the said notice, P.W.1 lodged the complaint belatedly i.e. after 4 years with an ulterior motive to harass the accused and it is a counter blast to the legal notice sent by the appellant to P.W.1 which is evident through the evidence of P.W.8 who had registered the FIR. In this regard, P.W.1 in her cross examination has deposed that after the marriage she lived with the appellant's family only for three months and after that they lived separately in Devipatinam in a rental house and baby shower function was also held in that house and in the 9th month she went to her parental house and on 06.08.2009, a baby was born and she lodged this complaint after 4 years and in the said four years she did not go to the appellant's house and she has not filed any petition for reunion and the jewels given at the time of her marriage are only with her.

16) On perusal of the testimony of P.W.1, it is evident that after marriage, she lived with the appellant only for nine months and from the birth of the child i.e. from 06.08.2009 to till the date of filing of the complaint i.e. till 15.05.2013, she was living with her parents along with the child. Further she has not deposed that the appellant had made physical, mental harassment and demanding dowry from her when they were living in a separate house and further there is no evidence regarding physical, mental harassment and dowry harassment by the appellant in between their separation period i.e. from 06.08.2019 to 15.05.2013. Further, P.W.1 in her evidence has stated at the time of her pregnancy, the appellant sent legal notice and so she lodged complaint before A.W.P.S. Sankarankoil and P.W.8 who had registered the FIR had deposed that this complaint has been filed only after the legal notice sent by the complainant's husband. Hence, the argument of the learned counsel for the appellant is a considerable force and is also acceptable.

17) Next, the learned counsel for the appellant has argued that no such occurrence happened on 10.04.2013 as alleged by P.W.1 and it is an unbelievable story. On perusal of Ex.P1 complaint dt. 15.05.2013, P.W.1 has stated that two months before the date of complaint, at Sivagiri bus stop, the appellant came there and told her to bring 10 sovereign of jewels otherwise he would marry again. But, in her evidence, she had specifically mentioned the date and deposed that on 10.04.2013, at Sethur bus stop the said occurrence happened. But, P.W.8 has deposed that the complaint has been lodged by the complainant for the occurrence happened two months back which is contrary to the evidence of P.W.1. Apart from the above, while there was every possible way to approach the defacto complainant and demand dowry at their matrimonial home or at the house of her parents, it is unbelievable that the husband demanded dowry of 10 sovereigns of gold jewels at a bus stand. Therefore, it is not proved by the Prosecution regarding the place and date of the alleged dowry demand and this creates doubt in the Prosecution case.

18) The other Prosecution witnesses, P.W.2 Muthumari is mother of P.W.1 and P.W.3 Mathivanan is the brother of P.W.1. They also deposed regarding the marriage between P.W.1 and appellant and have spoken in support of P.W.1. P.W.2 and P.W.3 have also deposed that the complaint was lodged only after 4 years of the birth of the child and they have deposed that they heard the incidents through P.W.1. Further, P.W.2 in her evidence has deposed that she does not like the reunion of her daughter and the appellant and P.W.3 has deposed that for the past 13 years, her sister was living with their house and the appellant and her sister lived as a husband and wife only for eight months and no steps were taken through Court for their reunion. P.W.4 to P.W.7 have deposed in their evidence about their participation in the compromise talks between the appellant and P.W.1 and they are not the eye witnesses and on perusal of their evidence, it is evident that they are all relatives to P.W.1. Hence,

the evidence of P.W.2 and P.W.7 are also not a reliable one to prove the Prosecution case. It is also seen that the family members and relatives of A1 have been intentionally roped into the issue for some ulterior motive and wreck vengeance. There is no believable evidence that the relatives of the 1st accused harassed the defacto complainant in the matrimonial home and the Trial Judge has rightly acquitted those accused persons(A2 to A4).

19) Moreover, a perusal of cross examination of P.W.1, it shows that there are several contradictory facts which have been elicited against the case of Prosecution. And the ingredients of offence u/s 498(A) IPC and 4 of D.P. Act has not been attracted from the evidence of Prosecution side witnesses. And P.W.1, P.W.2 have clearly deposed in their evidence that they did not like the reunion of P.W.1 with the appellant. Hence, on over all analysis, it is seen that the Prosecution has miserably failed to prove the charges against the appellant and it is held that the appellant is entitled for benefit of doubt.

20) In the light of the above discussion, it is concluded that the accused is found not guilty and has to be acquitted from the charge. The learned Trial Judge has failed to take note of the above factual aspects and has erroneously convicted A1 for the offence punishable u/s 498(A) IPC and 4 of D.P. Act. Hence, the above Judgment warrants interference and the Judgment conviction of A1 of the Trial Court is set aside and the Appeal is allowed.

21) In the result,

(i) This Criminal Appeal is allowed.

(ii) The conviction and sentence imposed on the Appellant/ 1st Accused u/s 498(A) IPC and 4 of D.P. Act by the the learned Additional District Munsif cum Judicial Magistrate, Sivagiri in C.C.No.269/2014 dt, 21.11.2022 is hereby set aside and the Appellant/1st Accused is acquitted from the charges levelled against him u/s 248(1) Cr.P.C.

(iii) The fine amount, if any paid by the Appellant/1st Accused, shall be refunded to him.

(iv) The bail bond executed by the Appellant/1st Accused shall stand cancelled.

Dictated to the steno-typist, directly typed by her in the computer, corrected and pronounced by this Court in open court this the 10th Day of June 2026.

Additional District and Sessions Judge,
Tenkasi.

Copy to:

The Additional District Munsif cum Judicial Magistrate,
Sivagiri.
(with L.C. records).

Additional District and Sessions Court,(FTC),
Tenkasi,
Crl.A.100/2022
Dt.10.06.2026
Judgment
Draft/Fair