



Crl.A.No.230 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.08.2025

DELIVERED ON : 08.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.A.No.230 of 2023

Rubhan Anthony Rathnaraj

... Appellant

Vs

The State Represented By,
The Inspector of Police,
J-5 Sastri Nagar Police Station,
Crime No.187 of 2018
Besant Nagar,
Chennai.

... Respondent

PRAYER : Criminal Appeal has been filed under Section 374(2) of Code of Criminal Procedure, to set aside the Judgment of conviction by the Learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai in S.C.No.52 of 2021 dated 30.11.2022.

For Appellant : Mr.Abdu Kumar Rajarathinam,
Senior Counsel
for Mr.Vikram Veerasamy

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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JUDGMENT

This Criminal Appeal has been filed as against the Judgment passed in S.C.No.52 of 2021 dated 30.11.2022 by the Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai, thereby convicting the appellant for the offences punishable under Sections 306 and 417 of IPC.

2. The case of the prosecution is that the accused cheated the deceased by making false promise to marry her and exploited her by having sexual intercourse several times in the year 2012 and January 2018. Thereafter, the accused got engaged with another woman on 07.02.2018 and when it was questioned by the deceased, he refused to marry her, thereby cheating her. Due to which, she got humiliated, heart-broken and suffered mental agony. On 09.02.2018 between 05.30 a.m., and 06.30 a.m., she committed suicide by hanging herself in her house after leaving a suicide note. Hence, the complaint.

3. On receipt of the complaint, the respondent Police registered FIR in Crime No.187 of 2018, for the offences punishable under Sections 417, 376 and 306 of IPC. After completion of investigation, final report



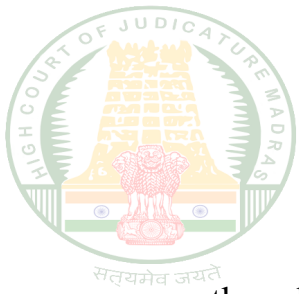
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was filed and the same was taken cognizance by the Trial Court in S.C.No.52 of 2021.

4. In order to bring home the charges, the prosecution had examined PWs.1 to 12 and marked Exs.P1 to 25. On the side of the accused, no one was examined and no document was marked. The prosecution had also produced a material object, which was marked as M.O.1. On perusal of oral and documentary evidence, the Trial Court found the accused guilty for the offence punishable under Section 306 of IPC and sentenced him to undergo 7 years rigorous imprisonment and also imposed fine of Rs.50,000/-, in default, to undergo three months simple imprisonment. He was also found guilty for the offence under Section 417 of IPC and was sentenced to undergo one year rigorous imprisonment and also imposed fine of Rs.5,000/-, in default, to undergo one month simple imprisonment. Aggrieved by the same, the present appeal.

5. The learned counsel for the appellant would submit that



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though the appellant was charged for the offences punishable under Sections 306, 376 and 417 of IPC, he was acquitted by the Trial Court for the offence punishable under Section 376 of IPC. The Trial Court relied upon the suicide notes allegedly written by the deceased and convicted him for the offence punishable under Section 306 of IPC. The Trial Court rightly found that they were in consensual sexual relationship and the deceased was aware of the consequences of the physical relationship and as such, the Trial Court had rightly acquitted the appellant for the offence punishable under Section 376 of IPC. The sexual relationship was there between them for the past six years prior to the date of her demise and the consent was not under misconception of fact or on a false promise. Even then, the Trial Court convicted the appellant for the offence punishable under Section 417 of IPC. The alleged suicide note was produced by the sister of the deceased PW.3, that too, 15 days after registration of FIR. Except PWs.1 to 3, none of the witnesses had spoken about the suicidal note which were marked as Exs.P3 and 4. PWs.1 to 3 are interested witnesses. In order to attract the charges under Section 306 and 417 of IPC, the intention is a primary



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requisite and the knowledge is another ingredient to sustain the charge under Section 306 of IPC. Therefore, the appellant must be imputed with the knowledge that his overtact must in all consequences would abet the suicide, ensuing the death of the person, the deceased herein. He further submitted that admittedly, the appellant and the deceased were in love affair and the love and affection of the appellant was real one. Since objections came from parents of both the appellant and the deceased, the appellant was unable to marry the victim girl. Their parents objected for the reason that both of them belong to different religion and the deceased is 3.75 years elder than the appellant. That apart, the parents of the appellant threatened that they would commit suicide if he marries the deceased. Therefore, the appellant was coerced and compelled to marry another girl and those facts were duly informed even by the deceased to her friend who was examined as PW.6. Therefore, at any point of time the appellant had no intention to cheat and abet the deceased to commit suicide.

6. Though the suicide note revealed that there were personal



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and intimate photos of the deceased and the appellant, nothing of that sort was seized by the prosecution to prove the same. Soon before the death of the deceased, there was no abetment by the appellant and as such, the prosecution failed to prove the charge under Section 306 of IPC. When the Trial Court found the appellant not guilty for the charge under Section 376 of IPC, the Trial Court could not have convicted the appellant even for the charge under Section 417 of IPC.

7. Exs.P3 and 4 cannot be construed as suicidal note, since it runs to several pages and it looks like a personal diary of the deceased. Further, there is no proof to show that it was written soon before her death. Even assuming the same as a suicidal note, there is no incriminating material to attract the offence under Section 306 of IPC as against the appellant as if he had abetted the deceased to commit suicide.

8. In support of his contention, he relied upon the Judgments of the Hon'ble Supreme Court of India, reported in **2024 SCC OnLine SC 137** in the case of ***Prabhu Vs State represented by the Inspector of***



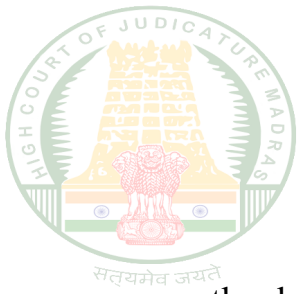
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Police and another, reported in ***2025 SCC OnLine SC 503*** in the case of ***Patel Babubhai Manohardas and others Vs State of Gujarat***, reported in ***2024 SCC OnLine SC 216*** in the case of ***Kumar @ Shiva Kumar Vs State of Karnataka***, reported in ***2025 3 SCC 334***, in the case of ***Ayyub and others Vs State of Uttar Pradesh and another*** and reported in ***2023 5 SCC 522*** in the case of ***Premchand Vs State of Maharashtra***.

9. He further relied upon a scientific study led by the University of Utah, which indicates that the tendency to commit suicide is a medical condition with genetic underpinnings. In the present case, the own sister of the deceased had also previously committed suicide. Therefore, genetically, the deceased also had suffered with the same mental vulnerability to commit suicide. Hence, the appellant has no influence on the deceased's decision to commit suicide and the conviction and sentence imposed as against the appellant cannot be sustained and is liable to be set aside.

10. He further submitted that even in the alleged suicide note,



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the deceased had written about her relationship with an another man. But the respondent failed to examine to that extent whether it was the other man who abetted the deceased to commit suicide or not. The respondent had focused only on the alleged suicide note and has framed the appellant to be the reason for abetting the deceased to commit suicide. In an opposite angle, the prosecution did not even conduct any investigation and find out the real reason for her suicide. Though the prosecution marked the hand writing, it was not marked through an expert and it was rather marked through an Investigation officer. Therefore, the appellant had lost his opportunity to cross examine the handwriting expert in this regard.

11. He also submitted that the appellant absolutely had no intention to cheat the deceased and it is evident that the appellant also attempted to commit suicide on two occasions for the reason that his parents refused to marry the deceased to the appellant herein.

12. Per contra, the learned Additional Public Prosecutor



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appearing for the respondent Police would submit that admittedly, the appellant and the deceased were in a romantic relationship. On the pretext of marriage, he had physical relationship with the deceased for the past six years prior to her suicide. Though the suicide note was produced after registration of FIR, it is not fatal to the case of the prosecution, since the handwriting of the deceased was compared with suicide note by the handwriting expert. The handwriting expert opined that both suicide note and the admitted handwriting of the deceased are one and the same. The expert opinion was marked as Ex.P25. Apart from the suicide note, when the deceased came to the knowledge about the appellant's marriage with another woman, the family members of the deceased went to the house of the appellant and made request to marry the deceased. Even then, they refused to marry the appellant to the deceased. Therefore, the deceased suffered with continuous humiliation at the hands of the appellant and on the fateful day, she committed suicide by hanging herself. That apart, there was whatsapp messages between the deceased and the appellant, soon before her death. Therefore, the prosecution categorically proved that the appellant abetted



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the deceased to commit suicide. Hence, the Trial Court had rightly convicted the appellant for the offence punishable under Section 306 of IPC.

13. Insofar as the charge under Section 417 of IPC is concerned, admittedly the appellant had knowledge that the deceased belongs to different religion and she was elder than the appellant by 3.75 years. In fact, he had physical relationship only on the pretext of marriage that too without the knowledge of his parents. When the deceased insisted him to marry her, the appellant said that his parents objected to marry the deceased, since she was elder than 3.75 years and she belong to different religion. Therefore, the appellant had an intention to cheat the deceased and failed to marry her. Therefore, the deceased committed suicide. As per the suicide note, the appellant administered pills to the deceased to abort her pregnancy several times, on the pretext of marriage. The deceased along with her parents had approached the father of the Church to help the deceased to get married to the appellant. However, he directed them to approach the concerned authority for



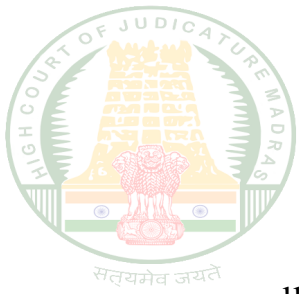
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appropriate relief, since the parents of the appellant refused to marry the the appellant to the deceased. Therefore, the Trial Court had rightly convicted the appellant and it does not warrant any interference of this Court.

14. Heard the learned counsel on either side and perused the materials available on record.

15. The appellant is arrayed as sole accused. The appellant and the deceased were working together at Chennai in an Information Technology Company. They fell in love with each other. Both attained majority and in fact, the deceased was elder than the appellant by 3.75 years. Both belonged to different religions. Both had physical relationship for the past six years, prior to the death of the deceased. Therefore, the appellant and the deceased had knowledge about the consequence of their physical relationship. Though the deceased got pregnant and subsequently as directed by the appellant, she consumed pills to abort her pregnancy, there is no evidence to show that the



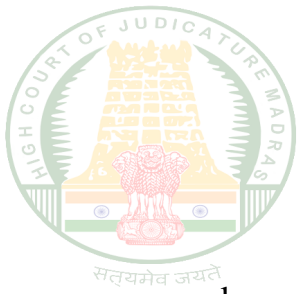
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appellant and the deceased had physical relationship on the pretext of marriage. There was consensual sexual relationship between the appellant and the deceased. Hence, the Trial Court had rightly acquitted the appellant for the offence punishable under Section 376 of IPC. Insofar as the offence under Section 417 of IPC is concerned, according to the case of the prosecution, on the pretext of marriage, the appellant had physical relationship with the deceased. After a period of six years, he refused to marry the victim and he got engaged with another girl. After knowing the said fact, the deceased and her parents approached the parents of the appellant and requested to marry the appellant to the deceased. Even then, they refused and as such, the appellant committed suicide by hanging herself.

16. Now, it is to be considered whether the prosecution proved the charge under Section 417 of IPC beyond any reasonable doubt or not?

17. The father of the deceased was examined as PW.1. He

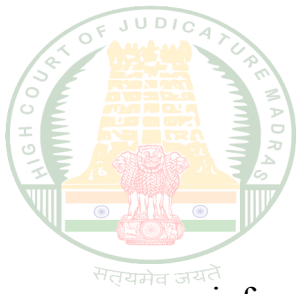


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deposed that the appellant had already visited his house thrice and he was introduced as a colleague of the deceased and both were working in the same office viz., Tata Consultancy Services at Chennai. It is only when the appellant informed about his marriage to the deceased on 01.02.2018, she had informed PW.1 about their relationship and that she wants to marry him. Therefore, on 01.02.2018, 03.02.2018 and 05.02.2018, PW.1 contacted the appellant's family members through phone and had requested to marry the appellant to the deceased. However they declined the same for the reason that the marriage was already arranged for the appellant with another woman. They had further mentioned as a reason that they both belong to different religion and community. They also visited the parents of the appellant personally and requested to marry the deceased with the appellant and even then, they refused for the same. They returned to their home on 07.02.2018.

18. Thereafter, on 09.02.2018, PW.1 noticed that the deceased committed suicide by hanging herself in their kitchen. Immediately, he lodged a complaint. Therefore, it is clear that the deceased never



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informed her parents at an earlier point of time, that she fell in love with the appellant and that she was willing to get married to him. Though the deceased did not inform about their physical relationship, she should have informed about their love and the appellant's promise to marry her, but she failed to do so. Only after the appellant informed about his marriage to the deceased through phone on 01.02.2018, the deceased had informed to her parents that she wants to marry the appellant.

19. Therefore, there is absolutely no evidence to show that at the inception of their relationship, the appellant promised that he would marry the deceased. No prudent person can have physical relationship for a period of six years on the pretext of marriage. In fact, the deceased got pregnant on several occasions and subsequently, it got aborted.

20. It is relevant to extract the provision under Section 415 of IPC as follows:-

“ 415. Cheating.—Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or



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intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to “cheat”.”

21. In order to prove the offence to cheat, the accused must have deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security viz., the accused must have done so dishonestly.

22. As stated supra, in the case on hand, the appellant absolutely had no intention to cheat the deceased and there is no evidence to show that the appellant induced the deceased by any deception. Hence, the prosecution failed to prove the charge under Section 417 of IPC and the conviction and sentence as against the appellant cannot be sustained and the same is liable to be set aside.

23. Insofar as the offence under Section 306 of IPC is concerned, the prosecution mainly relied upon the suicide note which



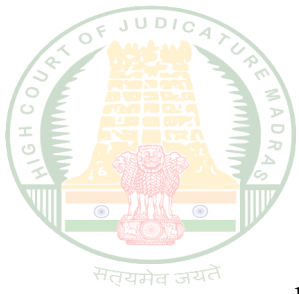
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was marked as Exs.P3 and 4. It runs to several pages written in English and Tamil transliterated in English. Therefore, this Court finds it very difficult to peruse the suicidal note completely. In fact, the learned Additional Public Prosecutor assisted this Court with the same.

24. The entire Exs.P3 and 4 do not disclose that the appellant promised to marry her and on the pretext of marriage, they had physical relationship. The deceased had written the happenings during their relationship. In fact, the appellant attempted to commit suicide on two occasions for the reason that his parents refused his marriage with the deceased. It shows that both the appellant and the deceased were in the mind set to get married to each other. However, the appellant did not induce the deceased to have physical relationship on the pretext of marriage.

25. As stated supra, the deceased was a grown woman and further, she was elder than the appellant by age. Therefore, she had



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complete knowledge about the consequence of their physical relationship. She had taken pills to abort her pregnancy. Therefore, no prudent woman would wait for six years, that too after aborting her pregnancy on several occasions, without insisting for marriage. Though she had written so many things it does not reveal that the appellant abetted the deceased to commit suicide. According to PW.1, the appellant himself informed the deceased about his marriage on 01.02.2018 to the deceased. In turn, the deceased wanted to get married to the appellant and informed her father. Thereafter, the deceased and her parents personally visited the house of the appellant and requested the appellant's parents to marry the appellant to the deceased. Since the parents of the appellant had already arranged a marriage for the appellant with another woman, they declined the request made by the parents of the deceased.

26. It is not the case that the deceased had already informed about her relationship with the appellant and on the pretext of marriage,



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the appellant had physical relationship with her. It is relevant to extract

the provisions under Section 306 of IPC as follows:-

“ 306. Abetment of suicide.—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

27. At this juncture, it is relevant to extract the following from the Judgment of the Hon'ble Supreme Court of India, reported in **2024**

SCC OnLine SC 137 in the case of ***Prabhu Vs State represented by the***

Inspector of Police and another:-

“14. 107. Abetment of a thing. —A person abets the doing of a thing, who— First.—Instigates any person to do that thing;

or Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing;

or Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.



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15. In a recent judgment of this Court in *Kamalakar vs. State of Karnataka* in Criminal Appeal No. 1485 of 2011 [decided on 12.10.2023], one of us (Vikram Nath J.) explained the ingredients of Section 306 IPC. The Court has held as follows:

"8.2. Section 306 IPC penalizes abetment of commission of suicide. To charge someone under this Section, the prosecution must prove that the accused played a role in the suicide. Specifically, the accused's actions must align with one of the three criteria detailed in Section 107 IPC. This means the accused either encouraged the individual to take their life, conspired with others to ensure the person committed suicide, or acted in a way (or failed to act) which directly resulted in the person's suicide.

8.3. In *Ramesh Kumar v. State of Chhattisgarh*¹, this Court has analysed different meanings of "instigation". The relevant para of the said judgment is reproduced herein:

"20. Instigation is to goad, urge forward, provoke, incite or encourage to do "an act". To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation."

8.4. The essentials of Section 306 IPC were elucidated by this Court in *M. Mohan v. State*², as under:

"43. This Court in *Chitresh Kumar*



Chopra v. State (Govt. of NCT of Delhi) [(2009) 16 SCC 605 : (2010) 3 SCC (Cri) 367] had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the word “instigation” and “goading”. The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the others. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.

44. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained.

45. The intention of the legislature and the ratio of the cases decided by this Court are clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he/she committed suicide.”

8.5. The essential ingredients which are to be meted out in order to bring a case under Section 306 IPC were also discussed in *Amalendu Pal alias Jhantu v. State of West Bengal*³ in the following paragraphs:

“12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the



court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.

13. In order to bring a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC."

8.6. On a careful reading of the factual matrix of the instant case and the law regarding Section 306 IPC, there seems to be no proximate link between the marital discord between the deceased and the appellant and her subsequent death by burning herself. The appellant has not committed any positive or direct act to instigate or aid in the commission of suicide by the deceased."

28. Thus, it is clear that where the words uttered are casual in nature and which are often employed in the heat of the moment between



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quarrelling people, and nothing serious is expected to follow from the same, the same would not amount to abetment of suicide. Further, there must be a case of suicide and in the commission of said act the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of such suicide.

29. In the case on hand, the deceased committed the suicide on 09.02.2018. The appellant had informed about his marriage to the deceased on 01.02.2018 itself through phone, since the appellant was transferred to Madurai even in the year 2017. Thereafter, there is no evidence to show that they had contacted each other and had physical relationship.

30. Exs.P3 and 4 revealed that there is no mention of date. However, there is no evidence to show that the appellant instigated or abetted the deceased to commit suicide soon before her death. In fact,



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four days before her suicide, she had sent messages through whatsapp to the appellant. However, there was no reply from the appellant. Further, only after fixing the marriage of the appellant to another woman, the deceased vigorously wanted to get married to the appellant and insisted her parents to approach the appellant's parents to arrange for their marriage. It is also evident to show that the appellant was transferred to Madurai in the year 2017 itself. Thereafter, there had been no contact between them. The deceased also did not insist him to marry her.

31. Further, as rightly pointed out by the learned Senior Counsel for the appellant, though expert opinion was marked as Ex.P25, it was not marked through an expert who opined that the handwriting found in Exs.P3 and P4 are one and the same and that they are of the deceased's. Therefore, the appellant had no opportunity to cross examine about the suicide note. Though it is not fatal to the case of the prosecution, it has significance in this case due to the facts and circumstances as stated supra.



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32. Therefore, when the prosecution mainly relied upon the suicide note, it had to be marked through handwriting expert in order to give opportunity to the appellant to cross examine the said expert. Even assuming that Exs.P3 and 4 are correct and genuine, this Court does not find any act of incitement on the part of the appellant proximate to the date on which the deceased committed suicide. No act is attributed to the appellant proximate to the time of suicide which was of such a nature that the deceased was left with no alternative but to commit suicide. Therefore, it cannot be said that any offence of abetment to commit suicide is made out by the appellant.

33. Further, a perusal of the statement recorded under Section 313 of Cr.P.C, from the appellant revealed that only on the compulsion of the deceased he had physical relationship with her and thereafter, he was transferred to Madurai in the year 2017. After settling down at Madurai, his parents searched for a bride to marry him off. Though the appellant was interested to marry the deceased and informed about the same to his parents, they refused for the reason that the deceased was



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elder to him by about 3.75 years and she also belonged to a different religion and community.

34. That apart, they also threatened him that if he married the deceased, they would commit suicide. The statement is as follows:-

“ 2012ல் இருந்து பாதிக்கப்பட்ட பெண் தெரியும். அவர் டிமில் நான் பணிசெய்தேன். என்னைவிட 3/3.4 வயது முதியவர். நான் வேலை விட்டு மேல் படிக்க போய்விட்டேன். எம்.பி.ஏ படித்து விட்டு 2015ல் புனேவில் வேலை கிடைத்தது. நான் புனே சென்றுவிட்டேன். 2016ல் சென்னை மாற்றம் கிடைத்து சென்னை வந்தேன். அப்போது பாதிக்கப்பட்ட பெண்ணுடன் அப்போதுதான் பிசிக்கல் ரிலேஷன்ஷிப் ஆரம்பித்தது. பாதிக்கப்பட்ட பெண் கட்டாயப்படுத்தியதால் எங்களுக்குள்ளே பிசிக்கல் ரிலேஷன்ஷிப் ஏற்பட்டது. 2017ல் மதுரைக்கு டிரான்ஸ்பர் கிடைத்தது. மதுரை போய்விட்டேன். அதன் பின் என் வீட்டில் எனக்கு பெண் பார்க்க ஆரம்பித்தார்கள். நான் பாதிக்கப்பட்ட பெண்ணை விரும்புவதாக என் வீட்டில் அம்மா, அப்பாவிடம் சொன்னேன். பாதிக்கப்பட்ட பெண் என்னை விட 3/3.4 வயது பெரியவர் என்பதால் எங்கள் வீட்டில் ஒப்புக்கொள்ளவில்லை. அவர்களை கன்வின்ஸ் செய்யப்பார்த்தேன். அவர்கள் ஒப்புக்கொள்ளவில்லை. நான் டிப்பிரஸ் ஏற்பட்டு எலிமருந்து குடித்து தற்கொலை செய்ய முயன்றேன். என்னை உறாஸ்பிட்டலில் சேர்த்து காப்பாற்றினார்கள். என் அப்பா, அம்மா என்னிடம் மீண்டும் இதுபோல் செய்தால் அவர்களும் ஈரடைநெரு செய்து கொள்வோம் என்று என்னை கட்டாயப்படுத்தினார்கள். அப்போது பாதிக்கப்பட்ட பெண் தனக்கு வெளிநாடு போக விசா கிடைத்துவிட்டது என்றும், வெளிநாடு போகிறேன் உன்



வாழ்க்கையை பாரு என்றும் சொன்னார். எனக்கு வேறு வழியில்லாமல் என் அப்பா, அம்மா கட்டாயத்தில் நான் வேறு திருமணம் செய்து கொண்டேன். 4 மாதம் கழித்து அடையார் காவல் நிலையத்தில் இருந்து கால் செய்தார்கள். பாதிக்கப்பட்ட பெண்ணின் பெற்றோர் என் மீது புகார் கொடுத்திருப்பதாக சொல்லி வரசொன்னார்கள். அப்போது நான் போகும்போது பாதிக்கப்பட்ட பெண்ணின் அப்பா, அம்மா வந்திருந்தார்கள். அப்போது தான் பாதிக்கப்பட்ட பெண் இறந்துவிட்டதாக எனக்கு சொன்னார்கள். எனக்கு அதிர்ச்சியாக இருந்தது. வெளிநாடு போய்விட்டாள் என்று நினைத்திருந்தேன். அவர் இறப்புக்கு நான் தான் காரணம் என்று பழிபோட்டார்கள். நான் காரணம் இல்லை என்று சொன்னேன். கேட்கவில்லை. சைதாப்பேட்டை சிறையில் போட்டார்கள். நான் மனசார சொல்கிறேன் பாதிக்கப்பட்ட பெண்ணை உண்மையாக காதலித்தேன். என் வீட்டில் வற்புருத்தியதால் வேறு பெண்ணை திருமணம் செய்யும் சூழ்நிலை ஏற்பட்டது. பாதிக்கப்பட்ட பெண் இறப்பதற்கு நான் காரணம் இல்லை.”

35. However, this statement was not even led into by the Trial Court. In this regard, the learned Senior Counsel appearing for the appellant relied upon the Judgment reported in **2023 5 SCC 522** in the case of **Premchand Vs State of Maharashtra**, wherein the Hon'ble Supreme Court of India held as follows:-

“ 15. What follows from these authorities may briefly be summarized thus:

15.1. Section 313, Cr.P.C. [clause (b) of sub-section 1] is a valuable safeguard in the trial process for



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the accused to establish his innocence;

15.2. Section 313, which is intended to ensure a direct dialogue between the court and the accused, casts a mandatory duty on the court to question the accused generally on the case for the purpose of enabling him to personally explain any circumstances appearing in the evidence against him;

15.3. When questioned, the accused may not admit his involvement at all and choose to flatly deny or outrightly repudiate whatever is put to him by the court;

15.4. The accused may even admit or own incriminating circumstances adduced against him to adopt legally recognized defences;

15.5. An accused can make a statement without fear of being cross-examined by the prosecution or the latter having any right to cross-examine him;

15.6. The explanations that an accused may furnish cannot be considered in isolation but has to be considered in conjunction with the evidence adduced by the prosecution and, therefore, no conviction can be premised solely on the basis of the section 313 statement(s);

15.7. Statements of the accused in course of examination under section 313, since not on oath, do not constitute evidence under section 3 of the Evidence Act, yet, the answers given are relevant for finding the truth and examining the veracity of the prosecution case;

15.8. Statement(s) of the accused cannot be dissected to rely on the inculpatory part and ignore the exculpatory part and has/have to be read in the whole, inter alia, to test the authenticity of the exculpatory nature of admission; and

15.9. If the accused takes a defence and proffers any alternate version of events or interpretation, the court has to carefully analyze and consider his statements;”



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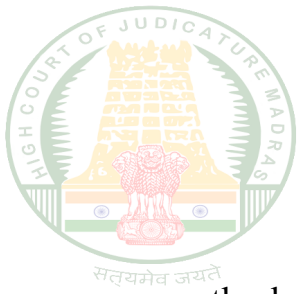
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36. Thus, it is clear that if the Trial Court failed to consider the appellant's explanation of circumstances, that would vitiate the entire trial and endanger the conviction. Therefore, in overall circumstances, the prosecution failed to prove the charges under Sections 417 and 306 of IPC and the entire conviction and sentence cannot be sustained as against the appellant.

37. It is relevant to rely upon the Judgment of the Hon'ble Supreme Court of India in ***Crl.A.Nos.2177 to 2185 of 2024***, in the case of ***Abhinav Mohan Delkar Vs The State of Maharashtra and others***, in which the Hon'ble Supreme Court of India held as follows:-

“ 40. True, a person unable to bear the pressure or withstand a humiliation or unable to oppose, may succumb to the extreme act of ending his own life, in desperation; but that would not necessarily mean that the alleged perpetrator had an intention to lead the victim to eventual death by his own or her own hands. We find no such instigation on the part of the accused in this case, or a definitive abetment to suicide, as alleged in the FIR.”

38. In criminal jurisprudence, the burden is always on the prosecution to prove its case beyond reasonable doubt. When two views are possible and the one favourable to the accused is equally plausible,



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the benefit of doubt must necessarily go to the accused. In the present case, the prosecution has failed to discharge its burden convincingly, and the trial Court failed to properly appreciate the infirmities in the prosecution case. Therefore, the conviction and sentence awarded by the trial Court cannot be sustained and is liable to be set aside.

39. Accordingly, the Judgment passed in S.C.No.52 of 2021 dated 30.11.2022 by the Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai, is hereby set aside. The appellant is acquitted from all charges in S.C.No.52 of 2021 for the offences under Section 306 and 417 of IPC. The appellant is directed to be set at liberty forthwith unless his custody is otherwise required in connection with any other case. The fine amount, if any, paid by the appellant shall be refunded. Bail bond, if any, executed by the appellant shall stand cancelled.

40. In the result, this Criminal Appeal is allowed.



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08.09.2025

Internet:Yes
Index:Yes
Speaking order
mn



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To

1. The Sessions Judge, Mahalir Neethimandram,
Allikulam, Chennai.
2. The Inspector of Police,
J-5 Sastri Nagar Police Station,
Besant Nagar,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

mn

Pre-delivery Judgment made in

Crl.A.No.230 of 2023

08.09.2025