

REPORTABLE

iv) The 4th Metropolitan Magistrate Court, Saidapet, vide judgment dated 22.12.2016, acquitted A-3 Marimuthu from all the charges. The appellant was also acquitted of the offence under Section 420 and 506(2) of IPC but was convicted by the trial Court for offence under Section 406, 498A IPC and Section 4 of the DP Act. The trial Court sentenced him to three years imprisonment and a fine of Rs.3,000/- for offence under Section 498A IPC. A sentence of one year SI was imposed for offence under Section 4 of the DP Act.

v) On appeal, the XVth Additional Sessions Judge, vide judgment dated 27.06.2017, set aside the conviction under Section 406 IPC but confirmed the conviction under Section 498A IPC and Section 4 of the DP Act and also confirmed the sentence.

vi) On a further challenge in revision, the High Court, by the impugned order, while confirming the conviction modified the sentence as indicated hereinabove.

vii) Pursuant to the order of this Court dated 15.05.2023, the appellant surrendered. Ultimately, this Court, by order of 11.08.2023, enlarged him on bail.

4. We have heard Mr. M.P. Parthiban, learned counsel for the appellant and Mr. D. Kumanan, learned counsel for the State. We have perused the records of the case.

5. The case revolves primarily around the evidence of PW-1 (Samuel), PW-4 (Sridevi) – wife/de facto complainant, PW-7 (Rajamani, mother of PW-4), PW-11 (Gokulakrishnan), the photographer. The High Court has also relied on the evidence of DW-1 (accused) who examined himself and also the exhibits marked by him. We have also made a brief reference to the other witnesses wherever necessary.

6. PW-1 (Samuel) is a family friend of the bride's (PW-4) family. He participated in the engagement function held on 03.02.2006. According to him, the bride's family decided to give 60 sovereigns of gold for the bride and 10 sovereigns of gold to the bridegroom. Discounting the hearsay aspect spoken to by PW-1, the gist of the deposition of PW-1 is that the family of the appellant did not allow the bride's brother to perform the customary practices on the marriage day and stated that they will allow the same only if 100 sovereigns of gold is presented. PW-1 further deposed that on the morning of 02.04.2006 - the day of the reception, the appellant's family did not visit the bride's house. On enquiring, the appellant's family informed that only if 100 sovereigns of gold is presented, they would bring the appellant for the marriage reception and participate in the marriage function. Thereafter, it is deposed that though they participated in the reception, the appellant's father took the bridegroom with him from the reception dais on the ground that 100 sovereigns of gold were not presented. He further deposed that his enquiry revealed that suppressing the first marriage in order to cheat and obtain 100 sovereigns of gold, the appellant married PW-4. PW-1, in cross-examination, deposed that it could not be said that the bridegroom's demand of dowry, only caused the harassment. Further, PW-1 deposed that there was no further demand more than the proposal to present 60 sovereigns of gold to the bride and 15 sovereigns of gold to the bridegroom.

7. PW-2 (Deepa) is the elder sister of PW-4 (Sridevi). She deposed that 2-3 days after the engagement, the father of the appellant called her mother and insisted for presenting 100 sovereigns of gold. Subsequently, A-3 called her mother and apologized for the demand of the father and stated that the demand was due to the pressure of relatives. Further A-3 informed them that they could continue making marriage arrangements. She, however, deposed that on 31.03.2006 instead of giving them a warm reception, the appellant's family insisted on 100 sovereigns of gold. She clearly deposes that on the day of the reception when her mother went to invite the couple the appellant refused to come stating that the bride's family had not presented 100 sovereigns of gold. According to her, at around 9 PM, during the reception the father of the appellant called the appellant, and they went inside a room. Thereafter, she deposed that the appellant's father opened the door and told them that they should have brought 100 sovereigns of gold.

8. The demand by the bridegroom's family was also spoken to by Akbar Ali PW-3, who is a family friend of the bride's family.

9. PW-4 (Sridevi - wife/de facto-complainant), while reiterating the demand of the bridegroom's family, clearly deposes that the appellant called her over phone and asked as to whether her mother has accepted the demand of his father. She further deposes that the appellant stated that he would come for the marriage reception only if 30 sovereigns of gold and Stridhan were given in advance, over and above the 70 sovereigns of gold already given. When she wept, the appellant consoled her by saying that he cannot violate the conditions of his father and brother. PW-4 deposes that before the marriage reception concluded, the appellant went out from the reception dais and stood on the left side. The appellant refused to come up on the dais in spite of her relatives pleading with him. The appellant, at that point, told the relatives that after 100 sovereigns are presented, they could speak about the life of the bride. Thereafter, the appellant scolded her stating that as she was working in a company, she was behaving authoritatively. She further deposed about the accused having contracted an earlier marriage and also having advertised in May, 2006 for a fresh alliance.

10. PW-7 Rajamani is the mother of the bride PW-4 Sridevi and supports the prosecution case and has deposed that the appellant and his family members had told them that they will participate in the marriage reception only if 100 sovereigns of gold and stridhan articles are presented before the date of reception. She corroborated the incident that occurred on the dais at the reception. She states that her daughter was subjected to severe mental hardship. She specifically speaks about the appellant insisting for the further 30 sovereigns.

11. PW-11 (Gokulakrishnan) photographer speaks of the bridegroom's family not cooperating on the day of the marriage even for taking photographs. On enquiries, he was informed that the ornaments gifted were less than what the appellant's family expected.

12. In view of the overwhelming evidence, we are not inclined to interfere with the concurrent conviction under Section 498A IPC and Section 4 of the DP Act.

13. We are satisfied that the ingredients of Section 498-A of IPC are fully satisfied and that the appellant subjected PW- 4 to harassment with a view to coercing her and her mother to meet the

unlawful demand for the gold sovereigns and continued to harass her when PW-4 and her relatives failed to meet such demand. The ingredients of Section 498-A of IPC and Section 4 of DP Act are clearly made out.

14. However, we are inclined to interfere with the quantum of sentence. Today, the appellant stands sentenced to two years imprisonment for the offence under Section 498-A of IPC and one year imprisonment for the offence under Section 4 of DP Act, though both sentences have been ordered to run concurrently. The appellant has undergone approximately 3 months in custody. He was arrested on 02.11.2006. Pending the trial, he was enlarged on bail on 28.11.2006. Thereafter, the appellant, pursuant to the judgment of the High Court surrendered on 13.06.2023 and was enlarged on bail by this Court on 11.08.2023. Admittedly, the incident pertains to the year 2006. The marriage was solemnized on 31.03.2006 and the couple lived together exactly for three days. As noticed from the High Court order, the de facto complainant is married and settled abroad. The case has been prolonged for a period of nearly 19 years. Both the appellant and PW-4 have moved on in life. This Court, while enlarging the appellant on bail, by its order of 11.08.2023 noticing the experience of the appellant in the field of information and technology recorded the following:

“Learned counsel for the State shall ascertain and explore the possibility of utilizing the experience of the petitioner as an I.T. professional. It is stated that the petitioner is willing to render appropriate community service. The State may consider the feasibility of permitting the petitioner to undertake coaching in such colleges, institutions and also Government Higher Secondary Schools which he may be identified on part-time basis, subject to such honorarium as may be reasonably given.” It is not clear whether the services were availed but above is a factor worth noticing while applying the proviso to Section 4 of the DP Act as part of special reasons for imposing a sentence of less than six months.

15. On the special facts of the case, we think the ends of justice will be met if we adopt the course followed by this Court in the case of Samaul Sk. vs. The State of Jharkhand & Anr. (2021 INSC 429). This Court, in that case, while reducing the sentence to that of the period already undergone recorded the voluntary offer of the appellant to pay a monetary compensation of Rs. 3,00,000/- (Three lakhs) to the de facto complainant for the benefit of her children. No doubt in the present case, there is no voluntary offer, but we propose to direct payment of compensation.

16. We hold that the conviction of the appellant for the offence under Section 498-A of IPC and Section 4 of the DP Act is sustained. The sentence imposed is set aside and substituted with that of the period already undergone and we further direct that the appellant shall deposit in the 4th Metropolitan Magistrate Court, Saidapet, Chennai (the Trial Court) a sum of Rs. 3,00,000/- (Three Lakhs) within a period of four weeks, which shall be paid as compensation to PW-4 Sridevi in view of the harassment which she was subjected by the appellant. The Trial Court shall ensure that a sum of Rs.

3,00,000/- (Three Lakhs) is disbursed to PW-4 after due identification. Necessary compliance shall be sent to this Court within a period of six months. In case compliance is reported, nothing further needs to be done. However, if the compliance report is not received, let the appeal be posted for directions after six months.

17. In view of the above, the Appeal is partly allowed in the above terms. The impugned judgment of the High Court dated 21.06.2022 in Criminal R.C. No. 1017 of 2017 is set aside. While the conviction of the appellant under Section 498-A of IPC and Section 4 of DP Act are confirmed, the sentence is modified. The appellant is sentenced to the period already undergone and is further directed to pay a sum of Rs.3,00,000/- (Three Lakhs) within a period of four weeks in the Trial Court as compensation as directed hereinabove, to be payable to PW-4.

18. The bail bonds of the appellant shall stand discharged on the deposit of the amount of Rs.3,00,000/- (Three Lakhs) in the Trial Court. In case if the appellant fails to deposit the said sum within the time stipulated, this appeal will be treated as dismissed and the appellant shall surrender to undergo the remaining sentence.

.....J. (K.V. Viswanathan)J. (S.V. N. Bhatti) New Delhi;

January 24, 2025.