

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 540 OF 2021
(Arising out of S.L.P.(CrI.) No. 968 of 2021)

R. NATARAJAN & ANR.Appellant(s)

Vs.

THE STATE OF TAMIL NADURespondent(s)

O R D E R

Leave granted.

The appellant no. 1 (father-in-law) is 77 years old and appellant no. 2 (mother-in-law) is 69 years old stated to be bed ridden. They are in appeal against their conviction under Section 498A IPC sentencing them to three years imprisonment with fine and a default stipulation. Their appeal has been dismissed by the High Court.

Learned senior counsel Mr. S. Nagamuthu appearing on behalf of the appellants submitted that there is no evidence to support the conviction of the appellants. The Trial Court, in fact, should have given benefit of doubt to the appellants based on its own reasonings and conclusions. The conviction is, therefore, not sustainable. The husband of the deceased is already in custody having been convicted under Sections 304-B and 498A IPC.

Learned counsel for the State opposing the appeal submitted that they were all residing under the same roof. The parents of the deceased had met the appellants also and complained with regard to the harassment being meted to the deceased. The failure of the appellants to take steps to remedy the situation, makes their complicity very evident. The conviction being based on concurrent findings of their complicity by two Courts, may not be interfered.

We have considered the submissions made on behalf of the parties. We have also been taken through the evidence and the order of the Trial Court as also of the High Court.

The allegations against the appellants are generalised in nature. The Trial Court, therefore, came to the conclusion that though they were living in a separate portion of the house, but their conduct amounted to indirect harassment of the deceased. While discussing that the appellants allegedly fed the ears of their son against the deceased, the conclusion was that these were normal wear and tear of married life and that they probably (emphasis) added fuel to the fire.

The High Court has not even bothered to discuss the nature of evidence available against the appellants and the reasoning of the Trial Court for conviction. We are of the considered opinion that conviction of the appellants was not maintainable on a probability in absence of direct evidence. The benefit of doubt ought to have been given to the appellants.

Consequently, we set aside the conviction of the appellants and allow the appeal.

Appellant no. 1 is directed to be released forthwith from custody unless wanted in any other case. No further orders are required with regard to appellant no. 2 who has already been granted exemption from surrendering on account of her medical condition.

Pending application(s), if any, shall stand(s) disposed of.

.....J.
(NAVIN SINHA)

.....J.
(R. SUBHASH REDDY)

New Delhi;
July 01, 2021.

ITEM NO.25

Court 9 (Video Conferencing)

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 968/2021

(Arising out of impugned final judgment and order dated 03-06-2020 in CRLA No. 136/2008 passed by the High Court of Judicature at Madras)

R. NATARAJAN & ANR.

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU

Respondent(s)

(IA No. 8738/2021 - EXEMPTION FROM FILING O.T.)

Date : 01-07-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA

HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s)

Mr. S. Nagamuthu, Sr. Adv.

Mr. B. Mohanraj, Adv.

Mr. K. Kanagaraj, Adv.

Mr. K. Krishna Kumar, AOR

For Respondent(s)

Mr. D. Kumanan, AOR

Mr. Pulkit Tare, Adv.

Mr. M. Yogesh Kanna, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of signed order.

Pending application(s), if any, shall stand(s) disposed of.

(NEETA SAPRA)
COURT MASTER

(DIPTI KHURANA)
COURT MASTER

(Signed order is placed on the file)