

News

The Madras High Court affirms the parents' life sentence for killing their mentally ill child.



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The conviction and life sentence of the parents who killed their 9-year-old daughter with a mental illness were affirmed by the Madurai Bench of the Madras High Court on Friday [Muneeswaran vs State of Tamil Nadu].

According to a Division Bench consisting of Justices GK Ilanthiraiyan and R Poornima, no kid born with mental illness would survive if the law allowed parents to

kill them.

According to the Court, parents have a duty to care for their children, regardless of whether they are born with a physical or mental handicap.

"Whether a child is born with a physical disability, mental illness, or no disability at all, it is the parents' bounden duty to care for them," the Court said.

The Court made it plain that no one can take the law into their own hands and that criminal law cannot be overridden by personal grief.

"No one has the authority to enforce the law and put another person's life in danger."

Thus, the Court upheld S Muneeswaran and Revathi's conviction and life sentence that had been issued by the trial court, dismissing their appeal. No child with mental impairment would live in our world if the law allowed their parents to kill them, the Bench stated.

while rejecting S. Muneeswaran and Revathi's criminal appeal and upholding the Fast Track Mahila Court's ruling at Srivilliputhur, which found them guilty of violating Sections 342 and 302 of the Indian Penal Code.

The prosecution claims that the couple's 2009-born daughter needed ongoing care due to mental impairment.

Her parents took her to the Kathappasamy Temple in the Virudhunagar district on October 1, 2018, where they gave her a refreshing drink containing "Tafgor" fertilizer (dimethoate, an organophosphorus pesticide).

When the public stepped in, the infant was taken to the hospital, but after receiving treatment, she passed away on October 6, 2018.

They were accused of violating Sections 302 (murder) and 342 (wrongful imprisonment) of the Indian Penal Code (IPC).

The couple had been given a life sentence for murder and a shorter sentence for unlawful incarceration by the trial court.

The two prisoners contended before the High Court that the prosecution had only used circumstantial evidence, the viscera study had not found poison, and eyewitnesses had become hostile.

They also questioned whether the bill purportedly proving the pesticide's purchase was admissible.

These arguments were dismissed by the Court. It was mentioned that the parents told the doctor that they had combined Tafgor poison in a chilled drink and given it to the child when they were admitted to the hospital.

The infant was semi-conscious and had constricted pupils, which is consistent with organophosphorus poisoning, according to the hospital's accident log. A negative viscera report is not always fatal to the prosecution's case, according to a well-established legal concept, especially if the victim has received extensive medical care. The toxin may be digested or removed from the body before to death in situations where the sufferer survives for a few days after ingesting it and receiving care, the Bench stated.

Additionally, it said that the child's parents had sole custody of her.

Additionally, the proprietor of the fertilizer store stated that on the day of the incident, the first accused had bought 500 milliliters of Tafgor. In court, he also named the defendant.

Consequently, it maintained the trial court's ruling.

The Court made it plain that parents are inevitably held legally and morally responsible for their child's birth.

The Court specifically disregarded any hardship-based defense.

The Bench emphasized that it is important to remember that the accused were the ones who brought the kid into the world.