



CNR: KAHC010491722019

NC: 2026:KHC:45931
CRL.A No. 600 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 600 OF 2025 (C)

BETWEEN:

1. SMT. F. AMALORPAVARANI,
W/O. JAYARAJ,
AGED ABOUT 47 YEARS,
HOUSEWIFE,
R/OF SHUBHASHNAGAR,
BELAGOLA, MUDIGERE,
CHIKKAMAGALURU TALUK
AND DISTRICT - 577 132.
2. M. SUBRAMANIYAN,
S/O. MUNIYAN,
AGED ABOUT 47 YEARS,
OCC. AGRICULTURIST,
R/OF KANCHIKOPPA,
HALASUR POST, TARIKERE TALUK
CHIKKAMAGALURU DISTRICT - 577 228.
3. P. S. MANIMEGALAI,
D/O. P. SHANBUGAM,
AGED ABOUT 48 YEARS,
R/OF THIMMABHOVI CAMP,
TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT - 577 228.

...APPELLANTS



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(BY SRI. P. B. UMESH., ADVOCATE FOR
SRI. RAVINDRA B. DESHPANDE., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY CHIKKAMAGALURU
RURAL POLICE STATION,
CHIKKAMAGALURU - 577 101.
REPRESENTED BY
STATE PUBLIC PROSECUTOR
HIGH COURT BUILDINGS
BENGALURU - 560 001.

...RESPONDENT

(BY SRI. JAVEED S., HCGP)

THIS CRL.A IS FILED U/S 374(2) CR.P.C (U/S 415(2) BNSS) BY THE ADVOCATE FOR THE APPELLANTS/ACCUSED NOS.1 TO 3 PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION DATED 10.10.2019 AND ORDER ON SENTENCE DATED 31.10.2019, PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE AT CHIKKAMAGALURU, IN CRL.A.NO.58/2017 FOR THE OFFENCES P/U/S 471 R/W 468 OF IPC AND CONFIRM THE JUDGMENT AND ORDER OF ACQUITTAL DATED 03.12.2016, PASSED BY THE PRL. CIVIL JUDGE AND JMFC, CHIKKAMAGALURU IN C.C.NO.2403/2006.

THIS CRL.A. COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:-
CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

1. This appeal has been filed by the appellants, being aggrieved by the judgment of conviction dated 10.10.2019 and order on sentence dated 31.10.2019 passed in Criminal Appeal No.58 of 2017 on the file of the II Additional District and Sessions Judge at Chikkamagalur, wherein the appellants had been convicted for the offences under Sections 471 r/w 468 of Indian Penal Code (for short, 'IPC').
2. The ranks of the parties would henceforth be considered as per their rankings before the Trial Court.

Factual matrix of the case:-

3. The case of the prosecution is that the Deputy Director of Public Instructions (for short, 'DDPI'), Chikkamagaluru, had issued a notification calling for applications from eligible candidates for appointment to the post of Tamil Teachers in Tamil Schools within his jurisdiction. In response to the said notification, the accused had appeared for their selection as Tamil Teachers in Tamil



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Schools. The accused had produced their testimonials including their marks cards obtained from the schools in which they had studied. After the interview, the accused were selected to the post of Tamil Teachers. After their selection, the original records which they had produced, including marks cards, were forwarded to the Director of Examinations, College Road, Tamil Nadu Government, Chennai, for verification. In response to the same, a report came from the concerned authority that the said documents were forged and bogus and they had been fabricated. Since the accused had produced fabricated and forged documents in order to secure the jobs as Tamil Teachers in Chikkamagaluru Taluk, the complainant lodged a complaint before the Chikkamagaluru Rural Police Station. The respondent - police after registering the case, conducted investigation and submitted the charge sheet.

4. The Trial Court after framing the charge, proceeded with the trial. In order to prove the case of the prosecution, the prosecution examined eight witnesses as PWs.1 to 8



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and got marked 69 documents as Exs.P1 to P69. The Trial Court, after conclusion of the trial, on appreciating the evidence, both oral and documentary on record, acquitted the accused Nos.1 to 3 for the offences under Sections 465, 468 and 471 of IPC. Being aggrieved by the same, the State – complainant preferred an appeal before the Appellate Court. The Appellate Court, after examining the oral and documentary evidence on record, set aside the order of the Trial Court and convicted the accused Nos.1 to 3 for the offences punishable under Sections 471 r/w 468 of IPC. Being aggrieved by the same, the appellants / accused Nos.1 to 3 are before this Court.

5. Heard Sri P.B. Umesh, learned counsel for Sri Ravindra B Deshpande, learned counsel for the appellants and Sri Javeed S., learned High Court Government Pleader for the respondent – State.
6. The submission of the learned counsel for the appellants is that the findings of the Appellate Court in rendering the conviction are erroneous, perverse and illegal.



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Consequently, the impugned judgment is passed, which is required to be set aside.

7. It is further submitted that the alleged offences are not attracted against the accused. The prosecution has failed to produce any documents to show that the accused had forged those documents.
8. It is further submitted that the documents have not been seized properly by the Investigating Officer after the concerned authority had obtained reports from the concerned colleges to substantiate that the documents are forged by the accused.
9. It is further submitted that the Investigating Officer, after having seized those documents, ought to have sent those documents for FSL to get the report about their authenticity. However, the Investigating Officer has failed to send those documents for FSL. In the absence of an expert's opinion in respect of alleged forgery, the Appellate Court ought not to have arrived at a conclusion that those documents have been forged by the accused. However, the Appellate Court has committed an error



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under the misconception of facts and circumstances of the case. Consequently, the impugned judgment is passed, which is liable to be set aside. Making such submissions, the learned counsel for the appellants prays to allow the appeal.

10. *Per contra*, learned High Court Government Pleader for the respondent – State vehemently justified the judgment of conviction and the order on sentence.
11. Learned High Court Government Pleader further submitted that the evidence of PWs.1, 2 and 7 is consistent that the documents are forged and fabricated for the purpose of securing the jobs, with an intention to deceive the Government. P.W.7 is the material witness. He has deposed in his evidence that the documents, which were sent for verification, were not issued by him or from the University. When the authority has categorically stated that those documents were not issued by them, the adverse inference can be drawn in respect of the offences charged against the appellants. The accused, even in their statements recorded under



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Section 313 of the Code of Criminal Procedure, did not mention anything about the documents. The production of those documents to secure the jobs knowingly that they did not study the particular subject in the particular University would indicate that the appellants were having animus in their mind to deceive the Government. In other words, the production of fabricated documents *ex facie* would indicate the intention to deceive the Government. Hence, the finding of the Appellate Court in rendering the conviction is proper and appropriate and interference with the said findings may not be necessary, is the submission of the learned High Court Government Pleader for State. Making such submissions, learned High Court Government Pleader for the respondent – the State prays to dismiss the appeal.

12. Having heard the learned counsel for the respective parties and on perusal of the findings of the Appellate Court, the Appellate Court, while arriving at a conclusion, opined that P.W.7 has specifically deposed that the signatures found on Exs.P7 to P9 did not belong to him.



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P.W.7 submitted his report as per Ex.P66 and stated that Exs.P37 to P39 are the marks cards of accused No.1, Exs.P51 to P53 are the marks cards of accused No.2, Exs.P23 to P25 are the marks cards of accused No.3. All the documents are bogus certificates and fabricated ones. The testimony of P.W.7 and his report as per Ex.P66 are sufficient to hold that the appellants have committed the offence.

13. Having gone through the findings of the Appellate Court, now, it is relevant to re-appreciate the evidence of all the witnesses for the purpose of clarification as to whether the Appellate Court has committed an error or not.
14. P.W.1 was working as Block Education Officer during 2004. As per the direction of the DDPI, he had appointed the accused as Teachers in Tamil Schools. The first accused was working at Aralaguppe Tamil Higher Primary School. The second accused was working at Hospet Tamil Primary School. The third accused was working at Tamil Model Higher Primary School at Azad Park. At the time of sanctioning the wages to the Teachers, they found that



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the registration numbers of two accused persons in their SSLC Marks cards are one and the same. Therefore, he informed the said fact to the higher officials and suspecting the involvement of these accused in fabricating the said documents, he referred those marks cards to the Board for verification. According to him, he received the report from the concerned authority that those documents were forged and fabricated. Hence, he had submitted a report to dismiss the accused from the service. Thereafter, on 30.10.2004, the accused were terminated from their respective posts. Thereafter, he lodged a complaint before the concerned authority as per Ex.P5. P.W.1 had been subjected to cross-examination at length. However, he withstood the cross-examination and supported the case of the prosecution.

15. P.W.2 was working as Education Officer in the office of DDPI at Chikkamagalur at the relevant point of time. Based on the information that the accused had produced bogus documents to secure jobs in Tamil schools as Teachers, he had been deputed to Chennai to secure



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information regarding the genuineness of those documents. As per the direction, he visited the respective schools and secured the information and submitted the reports to the authority. According to the said reports, those documents have been forged and fabricated. He had been subjected to cross-examination. In the cross-examination, he admitted that he had not obtained the register extract of the school and he admitted that he was not aware about the results of the accused in the competitive examination. Though some suggestions were made to him that he had not been deputed to Chennai to secure the information regarding the documents, he denied the said suggestions and withstood the cross-examination and supported the case of the prosecution.

16. P.W.3 was working as a Deputy Director, Public Education Department, Chikkamagaluru. On receiving the report from the competent authority, on enquiry, he directed the concerned authority to take appropriate steps to



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terminate the accused. He has supported the case of the prosecution.

17. P.W.4 was working as a Head Master at Aralaguppe Tamil Primary School. He had received an information from the Block Education Officer to terminate accused No.1 from the post. Considering the said report, he has implemented the said order and relieved accused No.1 from the school as a teacher.
18. P.W.5 was working as a Headmistress at Higher Primary School, Hospet. Accused No.2 was working as a Teacher in the said school. She also received an information regarding the removal of the said teacher from the school. Accordingly, she has relieved him on 30.10.2004.
19. P.W.6 was working as PSI at Chikkamagalur Rural police station. He has conducted part of the investigation and submitted the charge sheet.
20. P.W.7 was working as Joint Director of Government Examinations at Chennai. He has stated that on 15.09.2004, he received a letter from C.W.3 requesting him to verify the documents and submit the report.



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Accordingly, on verification of those documents, he has submitted a report as per Ex.P66 on 11.10.2004. He had been subjected to cross-examination. He admitted in his cross-examination that he had not verified the marks as per the tabulated marks register kept in the University or the Department. Further, he admitted that he had not produced the tabulated marks register extract. However, he has stated that the documents which were sent to him were not issued by the authority and signatures did not belong to him. Except making some stray suggestions, nothing has been elicited from him to support the case of the defence.

21. PW8, working as a Police Inspector, stated to have conducted part of investigation. However, he handed over further investigation to PW6.
22. On going through the evidence of all these witnesses, the Investigating Officer is not available for the purpose of cross-examination, which is fatal to the case of the prosecution. The documents produced by the accused to secure the jobs are the relevant records, which are



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required to be seized by the competent authority. However, the Investigating Officer though seized those documents, has not chosen to send those documents for FSL to verify its authenticity. No doubt, the alleged forged documents have been produced by the accused and they had secured jobs; later, they have been terminated from their respective posts. However, whether those documents have been forged by the accused or whether somebody might have issued them to the accused to facilitate them in getting suitable jobs remains an ambiguity. The Investigating Officer and the prosecution utterly failed to prove the case in this regard. Therefore, the appellants are entitled for benefit of doubt. Hence, I am of the considered opinion that the findings of the Appellate Court in reversing the acquittal order passed by the Trial Court deserve to be set aside.

23. In the light of the observations made above, I proceed to pass the following order:-

ORDER

- i) The Criminal Appeal is *allowed*.



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- ii) The judgment of conviction dated 10.10.2019 and order on sentence dated 31.10.2019 passed in Criminal Appeal No.58 of 2017 on the file of the II Additional District and Sessions Judge at Chikkamagaluru, for the offences punishable under Sections 471 r/w 468 of IPC, is set aside.
- iii) The judgment and order of acquittal dated 03.12.2016 in C.C.No.2403/2006 passed by the Principal Civil Judge and JMFC, Chikkamagaluru, is confirmed.
- iv) The appellants / accused Nos.1 to 3 are acquitted for the offences stated *supra*.
- v) Bail bonds executed, if any, stand cancelled.

**Sd/-
(S RACHAIAH)
JUDGE**

Bss List No.: 1 Sl No.: 49