



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.06.2015
CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Crl.O.P. (MD) No.8680 of 2014

and

M.P. (MD) .Nos.1 and 2 of 2014

R.Vinoth Kumar

... Petitioner

Vs.

1.The State rep by
The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai,
Virudhunagar District.

2.The District Educational Officer,
Aruppukottai,
Virudhunagar District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the entire records relating to charge sheet of the first respondent in Crime No.202 of 2012 dated 28.05.2013 filed in C.C.No.11 of 2004 pending on the file of the Judicial Magistrate Court, Aruppukottai, Virudhunagar District and quash the same.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mrs.S.Prabha
Govt. Advocate (Crl.side)

O R D E R

This petition has been filed for a direction to quash the charge sheet of the first respondent in Crime No.202 of 2012 dated 28.05.2013 filed in C.C.No.11 of 2004 pending on the file of the Judicial Magistrate Court, Aruppukottai, Virudhunagar District.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

3.The petitioner is arrayed as an accused for the alleged offences under Sections 420, 465, 468 and 471 of I.P.C. The allegation against the petitioner is that he was responsible for forging and fabricating two letters dated 19.04.2011 and 02.05.2011, as if they have been issued by the Government.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person. He further submitted that the said letter has been created by a third party and if the petitioner is involved for the alleged offence, he would not have asked for the verification of the said letter from the Government. He further submitted that there is no record to substantiate that the petitioner has handed over the letter alleged to have been forged and fabricated. Further, the petitioner neither handed over the said letters to the



school nor to the second respondent. Even as per the proposal sent by the school management, the alleged documents have not been mentioned or enclosed.

5.The learned Government Advocate (Crl.side) submitted that the Correspondent, Secretary and the Headmaster of the School has given a statement fixing the responsibility on the petitioner. Further, the fact that the above said documents are not genuine is not in dispute and there are evidence available on record to implicate the petitioner in the alleged offence.

6.The question as to whether the petitioner is involved in the alleged offences or not, is a matter for trial.

7.The fact that both the documents are not genuine is admitted. It is also an admitted fact that by the document, the petitioner would have become eligible. It is for the respondent to prove that the petitioner, handed over the document and had forged and fabricated the same.

8.Accordingly, the criminal original petition is dismissed. Consequently, the connected miscellaneous petitions are closed. However, all the issues are left open to be raised before the Court below. The learned Judicial Magistrate, Aruppukottai, Virudhunagar District is directed to dispose of the case in C.C.No.11 of 2004 within a period of six months from the date of receipt of a copy of this order. It is made clear that the trial Court will have to decide the case without being influenced by the observation made in this order.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,Aruppukottai, Virudhunagar District

2.The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai, Virudhunagar District.

3.The District Educational Officer,
Aruppukottai, Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.V.R.Venkatesan, Advocate SR.No.32688

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