

Bail Slip

The Appellant/Accused No.1.Madhaiyan was directed to be released on bail in any by the order of this court dated 17/09/2012 and made in Crl.MP.No.1/2012 in Crl.RC.No.1086/2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1086 of 2012

and

MP.No.2 of 2013

M.Madhaiyan

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
(DCB P.S.Krishnagiri)
Krishnagiri District.

.. Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to set aside the judgment dated 08.03.2012 made in C.A.No.69/2011 on the file of the learned Principal Sessions Judge, Krishnagiri, confirming the judgment dated 24.11.2011 made in C.C.No.21 of 2009 passed by the learned Judicial Magistrate No.II, Krishnagiri.

For Petitioner : Mr.R.Sagadevan

For respondent : Mr.T.Shanmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed to set aside the judgment dated 08.03.2012 passed in Crl.A.No.69 of 2011 by the learned Principal Sessions Judge, Krishnagiri, by confirming the judgment dated 24.11.2011 passed in C.C.No.21 of 2009 by the learned Judicial Magistrate No.II, Krishnagiri.

2. The respondent police registered a case in Crime No.17 of 2004 against the revision petitioner and yet another accused for the offence under sections 465, 466, 467, 468, 471 and 420 r/w 34 IPC. After completing the investigation, the respondent police laid a charge sheet before the learned Judicial Magistrate No.II, Krishnagiri. The learned Magistrate, after completing the trial and taking cognisance of the offence in C.C.No.21 of 2009, acquitted A2 and convicted the revision petitioner/A1 for the offence under Sections 465, 466, 467, 468 and 420 of IPC and sentenced him to pay a fine of Rs.1,000/- in default, one month simple imprisonment for the offence under section 465 of IPC and 3 years simple imprisonment and fine of Rs.1000/-, in default, one month simple imprisonment for the offence under Section 466 of IPC and 3 years simple imprisonment and fine of Rs.1000/-, in default, one month simple imprisonment for the offence under section 467 of IPC and 3 years simple imprisonment and fine of Rs.1000/-, in default, one month simple imprisonment for the offence under Section 468 IPC and 3 years simple imprisonment and fine of Rs.1000/-, in default, one month simple imprisonment for the offence under section 420 of IPC. The trial Court directed the sentences to run concurrently. Challenging the said judgment, the revision petitioner/A1 preferred an appeal in Crl.A.No.69 of 2011 before the learned Principal Sessions Judge, Krishnagiri. After hearing the arguments on either side, the learned Sessions Judge dismissed the appeal on 08.03.2012 and confirmed the judgment of the trial Court. There against, the first accused has filed the present revision before this Court.

3. The learned counsel appearing for the revision petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. A2 alone has committed the offence, whereas, A2 has been acquitted and the same benefit may be extended to the revision petitioner also. The revision petitioner has not forged any certificate as alleged by the prosecution. The original transfer certificate and Community Certificate has not been recovered from the revision petitioner and the same is fatal to the case of the prosecution, which has not been considered by the Courts below. The Revenue Divisional Officer has not issued the community certificate. The revision petitioner/A1 has been dismissed from service in Border Security Force and therefore, the learned counsel prays some leniency.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the revision petitioner/A1 submitted bogus certificate in order to secure a job. Since there is no incriminating circumstance against the second

accused, he was acquitted, whereas, the petitioner has produced bogus certificate to secure job. PW-1 has clearly spoken about the preference of the complaint before the respondent police and also the verification of the certificates. They came to know that Exs.P2 to P4 are bogus certificates. The Revenue Divisional Officer at Krishnagiri was examined as PW-8 and he has clearly stated that Ex.-P3 was not issued by their Office School and after verifying the Register, he found that the said serial number of Community Certificate was not found in the Register. No certificate was issued to the petitioner on the date on which the said certificate is said to have been issued. Therefore, the Community Certificate is a bogus one.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent and also perused the materials available on record.

6. From the evidence of Pws-4, 5, 6 and 8 and Exs.P2 to P5, it is seen that the prosecution has clearly established that in order to secure a job, the revision petitioner obtained the bogus certificates and submitted before the authorities and got job. Subsequently, due to the receipt of complaint, it was found that the same is not genuine document. The respondent police, during investigation, found that the Ex.P3 is not genuine. On a combined reading of Ex.P1-complaint and the prosecution evidences and Ex.P3-Community Certificate, it is seen that the Community Certificate is not issued by the competent authority. Therefore, it is for the revision petitioner to establish as to how he was in possession of the said certificate and submitted the same before the authority. On a reading of the entire evidence and also the judgment of the Courts below, this Court does not find any perversity in appreciation of evidence. Though the learned counsel for the petitioner submitted that there is a delay of 2 years in filing the complaint, the complaint itself shows that it has been preferred as per the direction of the Superior. Therefore, the contention raised by the learned counsel for the petitioner is not acceptable. The lower Appellate Court, as the final Court of fact finding, rightly appreciated and given the finding. This Court, while exercising the revisional jurisdiction, cannot interfere with the judgment unless finds any perversity. As this Court does not find any perversity in the judgment passed by the Courts below, it cannot interfere.

7. In the result, this Criminal Revision Case is dismissed. The judgment dated 08.03.2012 made in C.A.No.69 of 2011 passed by the learned Principal Sessions Judge, Krishnagiri, is hereby

confirmed. The Trial Court is directed to secure the revision petitioner/A1 to undergo the remaining period of sentence. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KMI

To

1. The Principal Sessions Judge,
Krishnagiri.
2. The Judicial Magistrate No.II,
Krishnagiri.
3. The Inspector of Police,
District Crime Branch,
(DCB P.S.Krishnagiri)
Krishnagiri District.
4. The Chief Judicial Magistrate,
Krishnagiri(for information).
5. The Superintendent,
Central Prison, Vellore.
6. The Public Prosecutor,
High Court of Madras,
Chennai-104.

+1cc to Mr.R.Sagadevan, Advocate sr.65383

Cr1.R.C.No.1086 of 2012

spd(co)
nr 21/10/2019

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