



Bail Slip

The Petitioner namely Rajakumaran, S/o.Pandiduraiswamy, was directed to be released on bail as per order dated 21.09.2011 in MP (MD) .No.1/2016 in Crl.RC(MD) .No.797/2011 on the file of this Court.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C. (MD)No.797 of 2011

Rajakumaran

... Petitioner

Vs.

The State represented by
The Sub Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.
(Crime No.487 of 2001)

... Respondent

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to call for the records relating to the judgment passed in C.A.No.23 of 2010 in C.C.No.119 of 2002, dated 19.08.2011 on the file of the learned Fast Track Judge at Periykulam, confirming the conviction and sentence passed in judgment in C.C.No.119 of 2002, on the file of the learned District Munsif cum Judicial Magistrate, Bodinayakkanur dated 04.03.2010 and set aside the same and allow the revision.

For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.A.Robinson

Govt. Advocate (Crl. Side)

O R D E R

The petitioner studied 12th standard in Jaminthar Kalummal Memorial Higher Secondary School, Bodinayakkanur, in the year 1996. He wrote the public examination but scored 48 marks in Mathematics subject. He wanted to pursue higher education. Instead of writing the examination again, he prepared a mark sheet as if he scored 148 marks. With the forged mark sheet, he joined Cardamon Planaters Association College, Bangajam Nagar, Bodinayakkanur, in B.Sc.(Maths). When the mark sheet submitted by the petitioner was sent for



verification, the forgery committed by the petitioner came to light. Therefore, Crime No.487 of 2001 was registered on the file of the Sub Inspector of Police, Bodinayakkanur Town Police Station at the instance of the Joint Director of Secondary Board of Education. The prosecution filed final report alleging that the petitioner had committed the said act of forgery and fabrication in conspiracy with one Logandurai. The final report filed by the police was taken cognizance by the learned Judicial Magistrate, Bodinayakkanur in C.C.No.119 of 2002 for the offences under Sections 468, 471 and 109 of I.P.C. By judgment dated 04.03.2010, the second accused Logandurai was acquitted while the petitioner was found guilty of the offences under Sections 468, 471 and 109 of I.P.C. and sentenced to two years rigorous imprisonment and also levied with fine of Rs.5,000/-. The said judgment of conviction and sentence was confirmed vide judgment dated 19.08.2011 in C.A.No.23 of 2010 on the file of the learned Fast Track Court, Periyakulam.

2.When the matter was taken up for hearing, the learned counsel appearing for the petitioner on instructions submitted that he would not question the finding of guilt arrived by the Courts below. He only wants leniency in the matter of sentence. The petitioner's counsel submitted that the cause of action dates back to the year 1996. After the forgery was found out, the petitioner was expelled from college. Now the petitioner is eking out his livelihood by doing cooli work. Therefore taking note of the lapse of time and the circumstances in which the petitioner is placed, this Court is of the view that even while sustaining the conviction imposed by the Courts, interest of justice will be served by reducing the period of imprisonment from two years to one month rigorous imprisonment. The petitioner shall surrender before the learned Judicial Magistrate, Bodinayakkanur within a period of four weeks from the date of receipt of a copy of this order. The learned Trial Magistrate, Bodinayakkanur shall take steps to enforce this order. With this modification in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)



To:

- 1.The Judge, Fast Track Court,
Periykulam.
- 2.The District Munsif cum Judicial Magistrate,
Bodinayakkanur.
- 3.The Sub Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer, (2 Copies)
Criminal Section, (Records),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.H.VELAVADHAS, Advocate (SR-71672[F] dated 27/06/2019)

**Crl.R.C. (MD) No.797 of 2011
26.06.2019**

JMN(17.12.2019) 3P : 8C