



BAIL SLIP

That the Appellants / Accused Nos 1 to 3

- 1.L.Mahalingam S/O Lakshmana Pillai
2.L.Rajendiran S/O Lakshmana Padayachi
3.V.Murugesan S/O Venkatraman

was released on bail as per Order of this Court dated 16.06.2015 made in MP 1/15 in CRL RC No.583/2015.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRL.R.C.NO.583 OF 2015

- 1.L.Mahalingam
2.L.Rajendiran
3.V.Murugesan ... Petitioners/Accused 1 to 3

Vs.

The State represented by
The Sub-Inspector of Police,
Aanaikaranchathiram Police Station,
Crime No. 619 of 2009. ... Respondent/Complainant

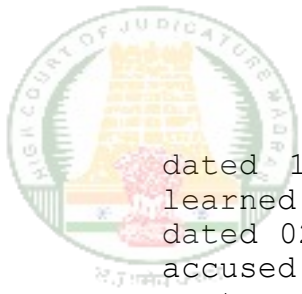
PRAYER: This Criminal Revision Case has been filed under Section 397 read with Section 401 of Cr.P.C to call for the records pertaining to Judgment dated 02.06.2014 in C.C.No.90 of 2010 on the file of the learned Judicial Magistrate, Sirkali and subsequently confirmed vide judgment dated 12.03.2015 in Crl.A.No.25 of 2014 on the file of the learned District and Sessions Judge, Nagapattinam and to set aside the same.

For Petitioners : Mr.C.Sivakumar
For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

O R D E R

The convicted accused viz., A1 to A3 are the revision petitioners herein.

2.The revision petition has been filed by the accused 1 to 3 to challenge the judgment passed by the learned District and Sessions Judge, Nagapattinam, in Crl.A.No.25 of 2014,



dated 12.03.2015, by confirming the judgment passed by the learned Judicial Magistrate, Sirkali, in C.C.No.90 of 2010, dated 02.06.2014, wherein, the learned judge has convicted the accused 1 to 3 for the offence under Section 353 of IPC and sentenced them to undergo simple imprisonment for six months each and further, the learned judge has convicted the first accused for the offence under Section 506(i) of IPC and sentenced him to undergo simple imprisonment for a period of six months and the learned judge has ordered the first accused to undergo the sentences concurrently.

3.The respondent herein has filed a charge sheet alleging that on 30.10.2009 morning at about 11.00 a.m., while the defacto complainant viz., Murugesan was standing in front of the Office of the Chidambaranathapuram Village Administrative Officer, the revision petitioners herein/A1 to A3 have abused him with obscene words and snatched away the documents from his hand and threw it and threatened him that they would remove him from Government Service and also with dire consequences. Hence, a criminal case in Crime No. 619 of 2009 was filed against these appellants/accused 1 to 3.

4.During the trial, on the side of the prosecution PW1 to PW5 were examined and Exs.P1 to P5 were marked. On the side of the defence no oral or documentary evidence has been adduced.

5.The suggestive case of the defence is that the first accused was examined as DW1. From the evidence of DW1 it came to know that one Sivasankaran who was working as a Village Administrative Officer in Chidambaranathapuram, has committed some misappropriation along with his Menial Ravichandran and when this fact was questioned by the accused persons, a case was foisted against them at the instigation of the said Sivasankarnam.

6.The Trial Court has held that the accused are not guilty under Section 294 of IPC, however, convicted them for the offence under Section 353 of IPC and 506(i) of IPC. As aggrieved against the same, the accused have preferred an appeal in C.A.No.25 of 2014, before the Court of the learned District and Sessions Judge, Nagapattinam and the learned Judge has dismissed the appeal by a judgment dated 12.03.2015 and confirmed the conviction and sentence passed by the learned Judicial Magistrate, Sirkali, as stated supra. Hence, the Criminal Revision Case.

7.The learned counsel for the revision petitioner would contend that there is a delay of four days in preferring the appeal. The learned counsel for the respondents would contend that the official records which said to have been



damaged by the accused were not seized and produced before the Court. The spurious seal of Tashildar Office, alleged to have been used by the accused for getting approval from the agricultural departments was also not seized and the suggestive case of the defence was not considered by both the Courts below and hence, seeks to set aside the conviction and sentence passed by both the Courts below.

8.The learned Government Advocate (Crl.Side) appearing for the respondent made submissions in support of the judgment of the Trial Court.

9.After perusing the records and also the oral and documentary evidence adduced before the Court, it is seen that PW1 is working as VAO; PW2 is attached to the office of the VAO; compliant given by the PW1/VAO was marked as Ex.P1. Based upon Ex.P1, the Criminal law was set into motion.

10.On a combined reading of the oral evidence of PW1 & PW2, it has been clearly deposed about the presence of the accused in the office of the VAO and they have damaged the records mentioned in the office of VAO by snatching and throwing out the documents and also threatened him that they would remove him from Government Service and also with dire consequences and in connection with use of the spurious seal for claiming Maniyam (Government subsidy) from the agricultural department. The prime allegation is that since PW1 in the official capacity as that of VAO, he found that the accused have used spurious seal of VAO and submitted certain forms to the agricultural department to make bogus claim. On coming to know about the same VAO has given complaint to the higher authorities.

11.Per contra, the case of the accused by way of suggestive cross examination is that the previous VAO viz., Sivasankaran, had misappropriated the Government Funds along with his assistant viz., Ravichandran and hence, a false case has been foisted against them.

12.Admittedly, this case does not involve any allegation as against the previous VAO Sivasankaran and hence, the evidence of the PW1 is relevant for the purpose of this case. Furthermore, though a suggestive case has been projected it was not probablised in the absence of any evidence to support the alleged act done by the previous VAO viz., Sivasankaran.

13.From the evidence of PW1 and PW2, both the Courts



persons have prepared a forged seal of VAO and acquainted Manayam and that is the reason beyond the alleged attack and hence, both the Courts below have rightly come to the conclusion that the presence of accused on the said date viz, 30.10.2009 at about 11 a.m., in the office of VAO has been clearly spoken to PW1 and PW2. The act on the part of the accused in the office of VAO has also been clearly spoken and in the cross examination nothing is elicited to disprove the evidence of PW1 and PW2 and hence, the concurrent finding given by both the Courts below as to charge under Section 353 and 506(ii) does not warrant any interference in the absence of any illegality or irregularity.

14.As to the quantum of the sentence, I find that it is in consonance with the proved charges and hence, I find that there is no merits in this case.

15.Accordingly, this Criminal Revision Case stands dismissed. The judgment passed by the learned District and Sessions Judge, Nagapattinam, in Crl.A.No.25 of 2014, dated 12.03.2015, by confirming the conviction and sentence passed by the learned Judicial Magistrate, Sirkali, in C.C.No.90 of 2010, dated 02.06.2014, is hereby confirmed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate, Sirkali.

2.Do thro the Chief Judicial Magistrate
Nagapattinam.

3.The District and Sessions Judge, Nagapattinam.

4.The Sub-Inspector of Police,
Aanaikaranchathiram Police Station.

5.The Public Prosecutor
High Court, Madras.

+1 cc to M/s.Mohamed Ismail, Advocate Sr.No. to36880

Crl.R.C.No.583 of 2015

MG(CO)