



BAIL SLIP

The Petitioners/Accused Viz., 1) Natarajan, S/o.Ganesan
2) Rajesh, S/o.Natajan were directed to be released on Bail as
per Order of this Court dated 10/10/2019 and made in
Crl.M.P.No.14413 of 2019 in Crl.R.C.No.1052 of 2019 on the file
of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.1052 OF 2019

1. Natarajan
S/o, Ganesan

2. Rajesh,
S/o, Natarajan

... Petitioners/Accused

Versus

The Inspector of Police,
Central Crime Branch,
Egmore, (Vepery),
Chennai.

... Respondent/Complainant

PRAYER:-

Criminal Revision Petition filed under Section 397 & 401 of
the Code of Criminal Procedure, to call for the records
pertaining to the judgment dated 30.09.2019 in Crl.A.No.26 of
2019 passed by the learned II Additional District & Sessions
Judge, Poonamallee, Thiruvallur District, by confirming the
order of the learned Judicial Magistrate No.I, Poonamalle,
Thiruvallur District in C.C.No.222 of 2009 dated 29.01.2019 and
set aside the same by allowing the above Criminal Revision
Petition.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.M.Sugendran
Government Advocate
(Criminal Side)



ORDER

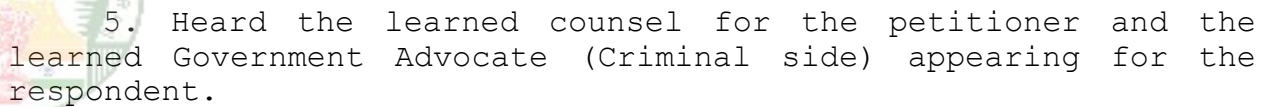
This Criminal Revision Petition has been filed to call for the records pertaining to the judgment dated 30.09.2019 passed in CrI.A.No.26 of 2019 on the file of the learned II Additional District & Sessions Judge, Poonamallee, Thiruvallur District, confirming the order dated 29.01.2019 passed in C.C.No.222 of 2009 on the file of the learned Judicial Magistrate No.I, Poonamallee, Thiruvallur District.

2. The respondent police registered a case against the petitioners and another person in Crime No.471 of 2007 for the offence under Sections 120(b), 419, 465, 467, 471 and 420 I.P.C. After investigation, laid a charge sheet before the Judicial Magistrate No.I, Poonamallee, Tiruvallur District. The learned Magistrate taken the charge sheet on file and taken cognizance of the offence in C.C.No.222 of 2009. After trial, the learned Magistrate, convicted the accused/petitioners herein for the offence under sections 120(b), 419, 420, 471, 465 and 467 I.P.C and for the offence under section 120(b) I.P.C, sentenced them to undergo six months simple imprisonment and to pay fine of Rs.500/-, in default to undergo, two months simple imprisonment, for the offence under section 419 I.P.C., sentenced them to undergo one year simple imprisonment and to pay fine of Rs.1,000/-, in default to undergo two months simple imprisonment, for the offence under section 420 I.P.C, two years simple imprisonment and to pay fine of Rs.1,000/-, in default to undergo two months simple imprisonment, for the offence under section 471 I.P.C, sentenced them to undergo one year simple imprisonment and to pay fine of Rs.1,000/-, in default to undergo two months simple imprisonment, for the offence under section 465 I.P.C, sentenced them to undergo one year simple imprisonment, and for the offence under section 467 I.P.C, sentenced them undergo two years simple imprisonment and to pay fine of Rs.1,000/-, in default to undergo two months simple imprisonment. Challenging the said judgment of conviction and sentence, the appellant filed the appeal before the Principal District and Sessions Judge, Tiruvallur in C.A.No.26 of 2019. The learned Principal District Sessions Judge, Tiruvallur made over the same to the II Additional District and Sessions Judge, Thiruvallur at Poonamallee. The Appellate Court after hearing the arguments advanced on either side, convicted the petitioners and confirmed the sentence on A1 to A3 and extended the benefit of Section 360 Cr.P.C, to A3 alone. Challenging the said judgment of dismissal of appeal, A1 and A2 filed a present Revision before this Court. During the pendency of Revision, A1 died. Now A2 alone, facing this revision case.



3. The learned counsel for the revision petitioner would submit that the prosecution failed to prove its case beyond reasonable doubt. Both the trial court and the appellate court failed to appreciate the evidences and materials, wrongly convicted all the accused for the charged offences. Though benefit of doubt extended to A3 alone and she was acquitted by the Appellate Court, the same benefit of doubt should have been extended to this revision petitioner also. The trial court as well as the appellate court failed to consider the fact that the revision petitioners are not at all the beneficiaries in this issue. The defacto complainant lodged a complaint with frivolous allegations against the first petitioner without any fault on him. The second petitioner is also not aware of all the consequences of the fact. The prosecution miserably failed to make out the case against the petitioners who are not the beneficiaries in the case. The trial court failed to appreciate the evidence that the first petitioner is an illiterate and he could not ascertain the contents of the alleged sale deed executed by A3 and the second petitioner attested his signature in the alleged sale deed without knowing the consequences in his tender age. Therefore, the petitioners are not understanding the purpose for which they signed it, simply they stand as only witnesses. They are innocent and they have not committed any offence as alleged by the prosecution. The trial court failed to appreciate the evidence and wrongly convicted the petitioners and the Appellate Court also simply endorsed the views of the Magistrate without considering the nature of allegations leveled against the petitioners, which warrants interference of this Court.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the signatures of the petitioners in the sale deed were proved. A1 and A2 stood as witness that as if A3 is the owner of the property, knowing fully well that A3 is not the owner of the property. Once the signature is proved and they stood as witnesses and also they impersonated by substituting A3 in the plea of defacto complainant, they forged the documents. Therefore, they cheated P.W.3. Both the Courts below rightly appreciated the evidence and convicted the revision petitioners. Though the trial court convicted A3, the appellate court granted the benefit under section 360 Cr.P.C on admonition to A3 alone. During the pendency of the revision A1 died and only the second petitioner faced the revision. The prosecution proved its case beyond all reasonable doubt. There is no merit in the revision and the same is liable to be dismissed.



6. The case of the prosecution is that the defacto complainant Vanaja borrowed a sum of Rs.35,000/- from A1 on depositing the original title deed as security. After she repaid the said sum along with interest, she requested A1 to return the original documents. A1 did not do so and fraudulently, substituting A3 in the place of original owner and by representing that A3 as Vanaja, executed a deed of sale deed in favour of one Prema Mohan/P.W.3. A1 and A2 stood as witnesses to the forged/fabricated documents. Hence the complaint.

8. Therefore, under this circumstances, both the Courts below rightly appreciated the evidence that A1 to A3 cheated P.W.3 as if A3 is the owner of the property and A1 and A2 also attested that A3 is only Vanaja, who is the owner of the property. Therefore, prosecution also rightly appreciated the evidence orally and documentary, convicted them. There is no merit in the revision and the same is liable to be dismissed. Already appellate court granted the benefit of section 360 Cr.P.C to A3 at admonition. A1 is the first petitioner who died already and now the revision is faced only by the second petitioner.

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court. It is a well settled proposition of law that the Revisional Court cannot sit in the arm chair of the appellate court and re-appreciate the entire evidence as the Appellate Court. It has to see only the perversity in appreciation of the evidence by both the trial court as well as the Appellate Court. On a reading of the entire materials, this Court does not find any perversity in the judgment of both the Courts below when especially, the prosecution proved that the document and signature found in the alleged sale deed said to have been executed by one Vanaja in favour of P.W.3 and knowing fully well that A3 is not Vanaja and they impersonated A3 as Vanaja and executed the sale deed in favour of P.W.3. Therefore, they cheated both Vanaja/defacto complainant as well as P.W.3. Therefore, the trial court rightly appreciated the evidence and convicted the petitioner. There is no merit in the revision and the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The II Additional District & Sessions Judge,
Poonamallee,
Thiruvallur District.
2. The Judicial Magistrate No.I,
Poonamalle,
Thiruvallur District.
3. The Chief Judicial Magistrate,
Tiruvallur. (For Information)
4. The Superintendent,
Central Prison,
Puzhal, Chennai.
5. The Inspector of Police,
Central Crime Branch,
Egmore (Vepery),
Chennai.



6. The Public Prosecutor,
High Court, Madras.

Copy To:-

The Section Officer,
Criminal Section,
High Court, Madras.

CRL.R.C.NO.1052 OF 2019

KG (CO)
PBS/28/02/2022