



**Bail Slip**  
**Cr1 RC(MD)No.290 of 2016**

**Dhakshinamurthy, S/o.Natesan, was released on Bail vide Court order dated 20.06.2016, made in Cr1. MP(MD)No.3906/2016 in CRL RC (MD)No.290 of 2016.**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

|              |            |
|--------------|------------|
| RESERVED ON  | 19.01.2021 |
| DELIVERED ON | 03.02.2021 |

CORAM :

**THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**Cr1.RC(MD)No. 290 of 2016**

Dhakshinamurthy

... Petitioner/Appellant/accused

Vs.

The Inspector of Police,  
CBCID, Thanjavur,  
(Crime No.9 of 2006)

...Respondent/Respondent/Complainant

**PRAYER:** Petition filed under Section 397 & 401 of the Criminal Procedure Code, to set aside the order, dated 15.03.2016 made in C.A. No.40 of 2015 on the file of the learned Principal Sessions Judge, Thanjavur, confirming the Judgment made in C.C. No. 181 of 2010 on the file of the learned Judicial Magistrate, Thanjavur, dated 22.06.2015 and allow the above Criminal Revision.

For Petitioner : Mr.Veera Kathiravan  
Senior Advocate for  
Mr.C. Gangai Amaran

For Respondent : Mrs.M. Anantha Devi  
Government Advocate (crl. side)

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**ORDER**

This Criminal Revision case has been filed to set aside the order, dated 15.03.2016 in C.A. No.41 of 2015, passed by the learned Principal Sessions Judge, Thanjavur, confirming the Judgment, dated 22.06.2015 in C.C. No. 181 of 2010, passed by the learned Judicial Magistrate, Thanjavur.



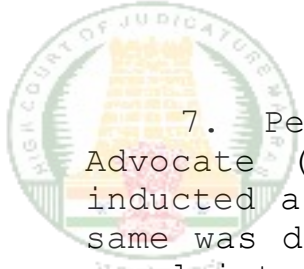
2. The petitioner/accused was tried before the trial Court. The trial Court, in conclusion of the trial, by judgment dated 22.06.2015 in C.C. No.181 of 2010, found the accused guilty, convicted and sentenced to undergo One year simple imprisonment and to pay a fine of Rs.1,000/-in default to undergo simple imprisonment for Two weeks, for the offence under Section 471 r/w 468 of IPC.

3. As against the judgment of conviction and sentence, the accused preferred an appeal before the learned Principal Sessions Judge, Thanjavur, in C.A.No.40 of 2015. The lower appellate Court, by judgment dated 15.03.2016, dismissed the appeal and confirmed the conviction and sentence imposed by the trial Court. Aggrieved over the concurrent findings of the Courts below, the petitioner has preferred the instant criminal revision case.

4. The case of the prosecution is that the Inspector of CBCID, Thanjavur, filed a final report before the trial Court against A-1 to A-5 in this case. Before framing of charges, it is reported on the side of the prosecution that A-2 Gouva Kani as dead and as such, the offence levelled against her is abated. The 1<sup>st</sup> accused u/s 464 r/w 465 of IPC, the third accused u/s 419 of IPC and the 4<sup>th</sup> & 5<sup>th</sup> u/s 471 & 468 of IPC have been charged by the trial Court. After full contest, A-1, A-3 to A-5 have been convicted and sentenced by the trial Court and against the conviction, the petitioner herein preferred an appeal in C.A.No.40 of 2015. The appellate Court confirmed the order of conviction. Aggrieved over the same, the petitioner is before this Court.

5. Heard Mr.Veera Kathiravan, Senior Advocate for Mr.C. Gangai Amaran, learned Counsel representing the revision petitioner and Mrs.M.Anantha Devi, learned Government Advocate (Crl. Side) representing the respondent / State.

6. The learned Senior Counsel for the revision petitioner submitted that the petitioner was working as an Inspector of Police, Nadukaveri Police Station and at that time the alleged accident took place and the petitioner registered a complaint which was given by P.W.4. He further submitted that P.W.12, Investigating Officer has deposed before the trial Court that the RC book, insurance policy of the vehicle bearing regn. No. TN-L-5991 lorry are genuine in nature and no alteration has been made in the said documents. And therefore, there is no case made out against the petitioner under Section 471 r/w 468 of IPC. He further submitted that no charge was framed against the petitioner as if he altered the records of investigation and the said allegation is made on presumption and assumption only by the Government Counsel. Hence, the Judgment of the Court below are liable to be set aside. He prays to allow the Criminal Revision Case.



7. Per contra, Mrs.M. Anantha Devi, learned Government Advocate (Crl. Side) submitted that all the accused colludedly inducted a vehicle as if the vehicle caused the accident and the same was driven by the 3<sup>rd</sup> accused. The 4<sup>th</sup> accused himself gave a complaint as if he saw the accident. But, really one Pilavendran who saw the accident brought the injured immediately to the hospital and he had made first information to the doctor. His version was entered into the Accident Register. But, subsequently, all the accused with an intention of getting compensation for the accused Nos.1 & 2, have colludedly inducted the vehicle of the 3<sup>rd</sup> accused as if it caused the accident, for which, the 4<sup>th</sup> accused gave a complaint and on the basis of the complaint, the 5<sup>th</sup> accused registered the first information report and after investigation, he laid the charge sheet, as if it is a genuine case. All the five accused acted knowing fully well inducted a new story by introducing a new vehicle, new driver of the vehicle and new first information report, which are all against the truth. She further submitted that, therefore, they have been charged and the offences charged against them were clearly proved by the prosecution. That is why, the trial Court came to a correct conclusion and there is no infirmity to interfere with the findings of the trial Court. Hence, the criminal revision case is liable to be dismissed.

8. This Court paid it's anxious consideration to the rival submissions and also to the materials placed on record.

9. This Criminal Revision Case is filed as against the concurrent findings of the trial Court and the lower appellate Court. The scope of Criminal Revision under Section 397 r/w 401 Cr.P.C., is very limited and this Court cannot re-appreciate the evidence, unless and until there is a illegality, perversity or impropriety in the findings of the trial Court and the appellate Court.

10. This Court in **Anbarasu v. Mukanchand Bothra**, reported in **2019 (3) MWN (Cr) DCC 1 (Mad)** held that while exercising the revisional powers under Section 397 r/w 401 Cr.P.C., the Court is required to find out whether there is any illegality or impropriety in the findings of the trial Court and the appellate Court warranting interference and it is not open to this Court to exercise the revisional power as second appellate forum.

11. The petitioner charged under Section 471 r/w 468 of IPC, convicted and sentenced to undergo One year simple imprisonment and to pay a fine of Rs.1,000/-in default to undergo simple imprisonment for Two weeks.

<https://hcservices.courts.gov.in/hcservices/>  
12. The ingredients of Section 471 of IPC is extracted hereunder;



**"471 of IPC :Using as genuine a forged document (or electronic record) :**

Whoever fraudulently or dishonestly uses as genuine any document (or electronic record) which he knows or has reason to believe to be a forged document (or electronic record), shall be punished in the same manner as if he had forged such document (or electronic record), "

13. The ingredients of Section 468 of IPC is extracted hereunder;

**"468 IPC : Forgery for purpose of cheating:**

Whoever commits forgery, intending that the document (or electronic record) forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine".

14. The accused was charged under Sections 471 r/w 468 of IPC.

15. The specific charge against the accused is forgery for the purpose of cheating and shall be used as genuine. But as per the Investigating officer, all the documents; RC book, insurance policy documents are original. The lorry belonged to A-3. As per first information report, he drove the vehicle and caused an accident. P.W.1, who gave the complaint also not an eye witness. The CBCID police not proved that the accused intentionally filed charge sheet against the lorry driver. Lorry driver himself admitted the accident and handed over the RC book and Insurance police details. The documents are not forged. The investigation conducted by the Investigating Officer is not proper and warranted only disciplinary proceedings. Charges under Sections 468 r/w 471 of IPC are not proper. Compensation also not received by A-1. On the basis of evidence given by the Investigating Officer had filed charge sheet against the lorry driver and he has also convicted.

16. Further there is no eye witness for the accident. The witnesses are also examined by the CBCID after lapse of seven years. Therefore, charges framed against the petitioner are not proved beyond reasonable doubt by the prosecution.

17. In view of the foregoing discussions and reasonings this Criminal Revision Case is allowed and set aside the order, dated 15.03.2016 in C.A. No.40 of 2015 passed by the learned Principal Sessions Judge, Thanjavur, confirming the Judgment, dated 22.06.2015 in C.C. No. 181 of 2010 passed by the learned Judicial Magistrate, Thanjavur. The petitioner/accused is acquitted of the



charge framed against him. Fine amount, if any paid, shall be refunded and bail bonds, if any executed, shall stand terminated.

Sd/-

Assistant Registrar (CO)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS )

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Principal Sessions Judge,  
Thanjavur.
2. The Judicial Magistrate,  
Thirvaiyaru, Thanjavur District.
3. -Do- Thro'The Chief Judicial Magistrate,  
Thanjavur at Kumbakonam.
4. The Inspector of Police,  
CBCID, Thanjavur District.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
6. The Section Officer, Criminal Section,  
Madurai Bench of Madras High Court,  
Madurai. (2 copies)

+1 CC to Mr.C.GANGAIAMARAN, Advocate (SR-3254[F] dated 04/02/2021 )

Order made in  
Crl.RC(MD)No. 290 of 2016  
03.02.2021

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