

**BAIL SLIP**

The Petitioner/Accused Devarajan, S/o.Chinnappa, was released on bail as per the Order of this Court dated 10/06/2016 made in CrI MP(MD)No.4509 of 2016 in CrI RC(MD)No.360 of 2016.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	05/03/21
DELIVERED ON	19.03.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI
CrI.RC(MD)No. 360 of 2016

Devarajan

... Petitioner/Appellant/A-3

Vs.

State represented by the
Inspector of Police,
CBCID, Thanjavur,
(Crime No. 9 of 2006)

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code to call for the records and set aside the Judgment and sentence passed in C.A. No. 38 of 2015 on the file of the Principal Sessions Court, Thanjavur, dated 15.03.2016 upholding the Judgment and sentence passed in C.C. No.181 of 2010 on the file of the learned Judicial Magistrate, Thiruvaiyaru, dated 22.06.2015 and allow this revision case.

For Petitioner : Mr.N. Tamil Mani
For Respondent : Mrs.M. Anantha Devi
Government Advocate (crl.side)

O R D E R

This Criminal Revision Case is filed by the revision petitioner to set aside the Judgment and sentence, dated 15.03.2016 in C.A. No. 38 of 2015 passed by the Principal Sessions Court, Thanjavur, upholding the Judgment and sentence, dated 22.06.2015 in C.C. No.181 of 2010 on the file of the learned Judicial Magistrate, Thiruvaiyaru.

2. As against the judgment of conviction and sentence passed by the learned Judicial Magistrate, Thiruvaiyaru, in C.C.No.181 of 2010, dated 22.06.2015, the petitioner/A-3 has preferred an appeal before the learned Principal Sessions Judge, Thanjavur, in C.A.No.

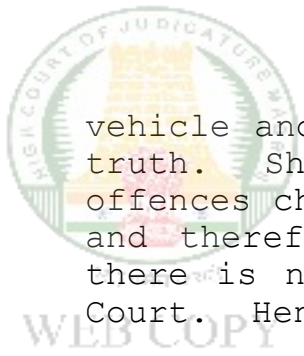


38 of 2015. The lower appellate Court, by judgment dated 15.03.2016, dismissed the appeal and the conviction and sentence to undergo simple imprisonment for One Year and to pay a fine of Rs.1000/-in default to undergo simple imprisonment for Two weeks for the offence under Section 419 of IPC was confirmed. Aggrieved over the same, the petitioner has preferred the instant criminal revision case.

3. Totally there are five accused in this case and the petitioner herein was arrayed as A-3. The case of the prosecution is that, in order to get a benefit by way of compensation, the 1st and 2nd accused with the knowledge of the accused 3 to 5, have introduced the lorry of the petitioner/A-3 bearing registration No. TN-L-5991 and he himself drove the vehicle and caused the accident. On seeing the same, the 4th accused gave a complaint to the 5th accused and in turn, the 5th accused registered the First Information Report, investigated the same and laid the charge sheet. Hence, the respondent police investigated the case and filed charge sheet in Crime No.9 of 2006 for the offences under Sections 464 r/w 465, 419, 471 r/w 468 of IPC.

4. The learned Counsel for the revision petitioner submitted that the ingredients of Section 419 of IPC were not established by the prosecution. He further submitted that, P.W.10 who is none other than the investigation officer of this case, himself admitted that RC Book, Insurance policy of the vehicle bearing registration No. TN-L-5991 are genuine in nature and no alterations were made in the above documents. He further submitted that this revision petitioner is a genuine person and he is not personated by some other name. He further submitted that the Court below erroneously came to the conclusion that all the accused have forged the First Information Report as well as Charge sheet by introducing the 3rd accused and also introducing him as driver of the lorry and caused the accident and really there was no accident caused by the 3rd accused. He prayed to allow the Criminal Revision Case.

5. Per contra, the 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 petitioner/A-3. The 4th 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 and his version was entered into the accident register. She further submitted that, subsequently, all the accused with an intention of getting compensation for the accused 1 & 2, have colludedly inducted the vehicle of the petitioner as if it caused the accident, for which, the 4th accused gave a complaint and on the basis of the complaint, the 5th accused registered the First Information Report and after investigation, he laid the charge sheet as if it is a genuine case. She further submitted that 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 they have been charged and the offences charged against them were clearly proved by the prosecution and therefore, the trial Court came to a correct conclusion and there is no infirmity to interfere with the findings of the trial Court. Hence, therefore, she prays for dismissal.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (crl. Side) for the respondent police and perused the material documents available on record.

7. The petitioner/appellant/A-3 has filed this Civil Revision petition to set aside the Judgment and sentence, dated 15.03.2016 in C.A. No. 38 of 2015 passed by the Principal Sessions Court, Thanjavur, upholding the Judgment and sentence, dated 22.06.2015 in C.C. No.181 of 2010 on the file of the learned Judicial Magistrate, Thiruvaiyaru.

8. The petitioner/A-3 was charged for an offence under Section 419 of IPC and he was convicted and sentenced to undergo simple imprisonment for One Year and to pay a fine of Rs.1000/-in default to undergo simple imprisonment for Two weeks for the offence under Section 419 of IPC.

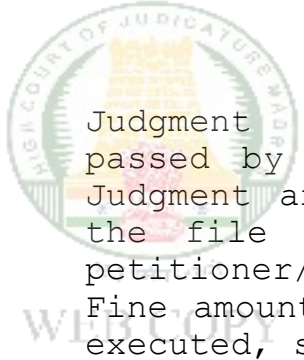
9. The case of the prosecution is A-1 in C.C. No.181 of 2010 fraudulently to claim compensation for the death of her husband in accident, created some false document. She had fraudulently forged document to show lorry No.TNL-5991 caused death of her husband. She was charged under Section 464 r/w 465 of IPC . A-3 was stated to be driver of lorry at the time of accident and charged for an offence under Section 419 of IPC.

10. In the accident case, after investigation charge sheet was filed. Further, investigation officer was appointed by the insurance company in MCOP No. 80 of 2005 investigated and found that the forged documents were filed for claiming compensation. But, how the lorry driver involved the offence. All the documents were given by the lorry owner to the police officials. Further, there is no evidence to show that, again A-3, has produced documents of the lorry and gave statement that he only responsible for the alleged accident. In this case A-1 is the main accused and she was also acquitted from the charges against her. A-1 and other accused were acquitted. Therefore, no charge is made out against this petitioner/A-3.

11. The prosecution has not proved the case against the petitioner for an offence under Section 419 of IPC. No reliable findings in the Courts below.

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12. Finally, the Civil Revision Case stands allowed and the



Judgment and sentence, dated 15.03.2016 in C.A. No. 38 of 2015 passed by the Principal Sessions Court, Thanjavur, upholding the Judgment and sentence, dated 22.06.2015 in C.C. No.181 of 2010 on the file of the learned Judicial Magistrate, Thiruvaiyaru. 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

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Chief Judicial Magistrate,
Thiruvaiyaru.

3.The Inspector of Police,
CBCID, Thanjavur.

4. The Judicial Magistrate, Thiruvaiyaru.

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. (2c)

+1 CC to M/s.N.TAMILMANI, Advocate (SR-12616[F] dated 19/03/2021)

Cr1.RC(MD)No.360 of 2016
19.03.2021

MA (CO)

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