



BAIL SLIP

The Appellant/Accused namely Jeyachandran, S/o.Venkadasubramanian was directed to be released on Bail by Order of this Court dated 18/02/2022 in CrI.M.P.No.2371 of 2019 in CrI.R.C.No.223 of 2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.09.2021

PRONOUNCED ON : 31.01.2022

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.223 OF 2019

AND

CRL.M.P.NO.2371 OF 2019

Mr.Jeyachandran

... 1st Accused/Appellant/
Revision Petitioner

.Vs.

The State,
Rep. by Sub Inspector of Police,
Crime Branch,
Vriddhachalam Police Station,
Cuddalore District.
(Crime No.291 of 2004)

... Complainant/Respondent/
Respondent

PRAYER:-

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C., to call for the records relating to the judgment dated 20.11.2018 in CrI.A.No.76 of 2017 on the file of the IIIrd Additional District and Sessions Judge, Cuddalore at Vriddhachalam, confirming the judgment dated 16.08.2017 in C.C.No.8 of 2011 on the file of the Judicial Magistrate No.I, Vriddhachalam, set aside the same.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel
For M/s.AL.Gandhimathi

For Respondent : Mr.S.Sugendran
Government Advocate (CrI. side)



O R D E R

This Criminal Revision Case is filed to set aside the judgment dated 20.11.2018 passed in Crl.A.No.76 of 2017 by the IIIrd Additional District and Sessions Judge, Cuddalore at Vriddhachalam, by confirming the judgment dated 16.08.2017 passed in C.C.No.8 of 2011 by the Judicial Magistrate No.I, Vriddhachalam.

2. Originally P.W.1, who is the sister of the petitioner/1st accused, lodged a private complaint against him before the learned Judicial Magistrate No.I, Vriddhachalam, alleging that her father Venkadasubramanian Chettiar was holding two transport bus with permits in his name and he died interstate on 25.01.2004 leaving behind the de-facto complainant, her sister and her brothers. The said Venkadasubramanian also assured, during his life time, that the de-facto complainant and her sister would be given one bus each. After the demise of her father, when the de-facto complainant approached her brothers and asked to change one of the bus permits in her name, they denied for the same. After coming to know that the bus permits were transferred to the name of the petitioner/first accused herein by forging the signature of the de-facto complainant and her sister, as if they had given consent for transfer of permits in his name. The said complaint was forwarded by the learned Judicial Magistrate No.I, Vriddhachalam to the respondent police under Section 156(1) of Cr.P.C. On receipt of such complaint, the respondent police registered a case against the petitioner/first accused for the offence under Sections 465, 467 and 468 IPC. After the investigation, charge sheet was filed against the petitioner/first accused and the accused 2 to 6, who are the brothers of the de-facto complainant, for the offence punishable under Sections 465, 468 and 471 IPC, and 109, 120(B) IPC, before the learned Judicial Magistrate No.I, Vriddhachalam. The learned Judicial Magistrate taken the case on file in C.C.No.8 of 2011 and after completing the formalities, framed charges against the first accused for the offence under Sections 465, 467 and 468 IPC and also framed charges against the other accused for the offence under Sections 109 and 120(B) IPC.

3. After completing the formalities, in order to substantiate the charges, on the side of the prosecution, during the trial, as many as 8 witnesses were examined as P.W.1 to P.W.8 and 16 documents were marked as Ex.P.1 to Ex.P.16. After examining all the prosecution witnesses, incriminating circumstances culled out from the evidence of prosecution witnesses were put before the accused, by questioning under



section 313 Cr.P.C, they denied the same as false and pleaded not guilty. On the side of the defence, no oral and documentary evidence was produced and one document was marked as Ex.P.1.

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4. On completion of trial, after hearing the arguments advanced on either side, considering the materials, the trial Court acquitted all the accused by its judgment dated 06.09.2016. Aggrieved over the same, the de-facto complainant filed an appeal before the III Additional District and Sessions Judge, Cuddalore, Vriddhachalam and the same was taken on file in C.A.No.81 of 2016 against the first accused alone and she has not filed any appeal against the acquittal of the other accused. The appellate Court, after hearing the arguments on either side, remitted the matter back to the trial Court for fresh consideration and thereafter, the trial Court proceeded the matter as against A1 alone, since the de-facto complainant has not filed any appeal against the other accused. Therefore, the judgment of acquittal passed by the trial Court against the other accused was ended finality. Therefore, after remanding the said case, recalled P.W.5 for examination and also summoned certain documents from the Regional Transport Office, Cuddalore and also after completion of trial, the trial Court found guilt of the appellant herein/first accused for the offence under Sections 465, 467 and 468 IPC and convicted and sentenced to undergo rigorous imprisonment for a period of one year for the offence under Section 465 IPC and he was also convicted and sentenced to undergo rigorous imprisonment for a period of two years for the offence under Section 467 IPC and pay fine of Rs.2,000/- in default to undergo further period of three months Simple Imprisonment for the offence under Section 467 IPC. Further he was also convicted and sentenced to undergo three years rigorous imprisonment and pay fine of Rs.2,000/- in default, to undergo simple imprisonment for further period of three months and he was also convicted and sentenced to undergo rigorous imprisonment for a period of two years for the offence under Section 468 IPC and pay fine of Rs.2,000/-, in default, to undergo simple imprisonment for further period of three months. Challenging the said judgment of conviction and sentence, the petitioner/first accused herein filed an appeal before the III Additional District and Sessions Judge, Cuddalore at Vriddhachalam. The learned Sessions Judge, taken the appeal on file in CrI.A.No.76 of 2017. The appellate Court, after hearing the arguments and considering the material, dismissed the appeal and confirmed the judgment of conviction and sentence passed by the trial Court. Challenging the judgment of dismissal of the appeal, the petitioner/first accused has filed the present revision before this Court.

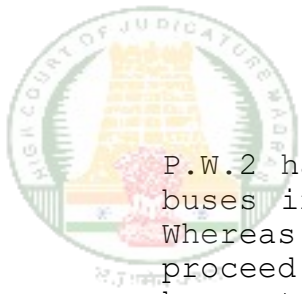


5. The learned counsel appearing for the petitioner would submit that admittedly the said disputed bus originally belongs to the father of the de-facto complainant viz., Venkadasubramanian and he died interstate on 25.01.2004 leaving behind the petitioner, her sister and her brothers. After the demise of the de-facto complainant's father, P.W.1 and P.W.2 have given a consent to transfer the bus permits from her father's name to the accused name and based on the said consent letter, the accused obtained a permit in his name, for that purpose, he paid Rs.10 lakhs each for obtaining the said consent letter. Subsequently, he came to know about that, P.W.1 has filed a private complaint before the learned Judicial Magistrate and both the trial Court and the Appellate Court failed to consider the fact that P.W.1 and P.W.2 have given consent letter and wrongly convicted the petitioner/first accused that the petitioner/first accused forged the signatures of P.W.1 and P.W.2 and changed the permits of the buses in his name. Hence, he prays that the order of the appellate Court is liable to be dismissed and the petitioner/first accused should be acquitted.

6. The learned Government Advocate (Crl.side) appearing for the State would submit that the petitioner/first accused forged the signatures of P.W.1 and P.W.2 and obtained a permit in his name for the said two disputed buses. During the investigation, the Investigating Officer obtained the specimen signatures from P.W.1 and P.W.2 and he sent the specimen signatures and the disputed signatures to the forensic lab for expert opinion. After comparison, the expert has given a finding that the signatures found in the alleged consent letters are not that of P.W.1 and P.W.2 and therefore, they were forged. Therefore, based on the oral and documentary evidence, the trial Court rightly convicted the revision petitioner/first accused and the appellate Court also rightly re-appreciated the evidence and dismissed the appeal and confirmed the judgment of the trial Court as against the revision petitioner/first accused. Hence, he prays for dismissal of the revision.

7. Heard Mr.AR.L.Sundaresan, learned Senior Advocate appearing for the petitioner and Mr.S.Sugendran, learned Government Advocate (Crl.side) appearing for the respondent and perused the materials placed before this Court.

8. The specific case of the prosecution is that the revision petitioner/first accused in connivance with the other accused has forged the signatures of P.W.1 and P.W.2 and used it as a genuine one before the Regional Transport Authority seeking transfer of permit of two buses in his name, as if P.W.1 and



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P.W.2 have given No Objection for transfer of the permit of the buses in his name and obtained transfer of permits in his name. Whereas the case of the revision petitioner/first accused proceed on the ground that the revision petitioner/first accused has not forged the signatures of P.W.1 and P.W.2 and all the LRS have appeared before the notary public and gave no objection for transfer of permit. On earlier occasion, when the trial Court acquitted all the accused, the de-facto complainant has not filed an appeal against the acquittal of all the other accused and due to her personal vengeance, she filed an appeal only against the acquittal of the petitioner/first accused alone. Subsequently, the trial Court has miserably failed to appreciate the evidence and wrongly convicted the petitioner/first accused alone and the appellate Court also failed to re-appreciate the evidence. Originally, the disputed two buses belong to their father viz., Venkadasubramanian. After the demise of their father, as the daughters P.W.1 and P.W.2 gave No Objection to the petitioner to get transfer of permit from his father's name to his name. Therefore, even before the notary public, both of them appeared and all the LRS gave No objection to transfer the permit in the name of the revision petitioner/first accused. Therefore, the judgments of both the trial Court as well as the appellate Court are liable to be set aside.

9. According to the de-facto complainant his father while alive gave a promise to give two buses to his daughters viz., P.W.1 and P.W.2. After demise of his father, when P.W.1 and P.W.2 approached their brothers, they evaded one way or other. Later, they came to know that the revision petitioner/first accused forged their signatures and obtained permits in his name and therefore, they lodged a complaint before the learned Judicial Magistrate. The learned Magistrate forwarded the said complaint to the respondent police and after investigation, he laid a charge sheet.

10. A reading of the evidence of P.W.1 and P.W.2 and also the evidence of expert P.W.6, who conducted the examination, it is seen that two disputed documents were sent to the expert for comparison. The expert has compared the specimen signatures in Ex.P.2, Ex.P.3, Ex.P.8 and Ex.P.9 with that of the disputed documents viz., Ex.P.12 and Ex.P.13, and gave a finding that the signatures found in Ex.P.12 and Ex.P.13 are not that of P.W.1 and P.W.2. P.W.1 and P.W.2 vehemently objected that they have not given any consent letter and the signatures found in Ex.P.12 and Ex.P.13 are not that of them. Therefore, from the evidence of P.W.1, P.W.2 and P.W.6 and the report of the expert Ex.P.14 and Ex.P.15, the trial Court has rightly come to the conclusion that the revision petitioner/first accused has forged the



signatures of P.W.1 and P.W.2 for the purpose of transferring the permits of the buses in his name. Therefore, the trial Court has rightly appreciated the evidence and found guilty of the petitioner/first accused and the appellate Court also confirmed the finding of the trial Court and dismissed the appeal.

11. As this Court is a revisional Court has got a limited power, while exercising the revisional jurisdiction. The revision Court has to see as to whether any perversity in appreciation of the evidence and the revision Court cannot sit in the arm chair of the appellate Court and re-appreciate the entire evidence.

12. In view of the above, there is no perversity in appreciation of the evidence by the trial Court as well as the appellate Court and there is no merit in the revision and the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

1. The III Additional District and Sessions Judge,
Cuddalore, Viruddachalam.
2. -Do Thro The Principal Sessions Judge,
Cuddalore.
3. The Judicial Magistrate No.I,
Viruddachalam.
4. -Do Thro The Chief Judicial Magistrate,
Cuddalore.
5. The Sub Inspector of Police,
Crime Branch,
Viruddachalam Police Station,
Cuddalore District.



6. The Public Prosecutor,
Madras High Court,
Madras.

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Copy To:-

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

+1cc to M/s.AL.Gandhimathi, Advocate, S.R.No.6173

CRL.R.C.NO.223 OF 2019 AND
CRL.M.P.NO.2371 OF 2019

GPL (CO)
PBS/21/02/2022