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Crl.R.C.No.501 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.501 of 2018

K.Ganasekaran

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
(Crime No.738 of 2004)

... Respondent

PRAYER: Criminal Revision case has been filed under Section 397 r/w 401 of Cr.P.C against this judgment of the learned Principal District and Sessions Judge, Krishnagiri in Criminal Appeal No.28 of 2017 dated 08.01.2018 affirming the Judgment imposing conviction and sentence by the Trial Court namely the learned District Munsif Cum Judicial Magistrate, Uthangarai in C.C.No.39 of 2007 by his judgment dated 12.05.2017, the petitioner is preferring this revision to call for the records and revise the same.

For Petitioner : Mr.C.R.Malaravannan

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.Side)

ORDER



Crl.R.C.No.501 of 2018

WEB COPY

This Criminal Revision case has been filed as against the Judgment passed in Criminal Appeal No.28 of 2017 dated 08.01.2018 by the learned Principal District and Sessions Judge, Krishnagiri, confirming the Judgment passed in C.C.No.39 of 2007, dated 12.05.2017 on the file of learned District Munsif Cum Judicial Magistrate, Uthangarai, thereby convicted the petitioner for the offence punishable under Sections 420 and 471 of IPC.

2. The case of the prosecution is that the petitioner was temporarily appointed under rule 10(A)(1) as Village Administrative Officer on 28.05.2000. In order to regularize his service, his certificates, which were submitted while he was joining the duty, were verified by the Secretary Educational Department, Chennai, vide letter dated 18.09.2003. While verifying the certificates, it was found that the certificate bearing No.18307/March 1967 is genuine and elementary education certificate bearing No.343205/October 1991 is a forged one. As per the records maintained by the Joint Director of Education Department, the marks obtained by the petitioner are different from the SSLC mark sheet produced by the petitioner. Based on the report, the



Crl.R.C.No.501 of 2018

Revenue Divisional Officer had suspended the petitioner from service and also lodged a complaint.

3. On receipt of the complaint, the respondent registered FIR in Crime No.738 of 2004 for the offences punishable under Sections 420, 468 and 471 of IPC. After completion of investigation, the respondent filed a final report and the same has been taken cognizance in C.C.No.39 of 2007 on the file of the learned District Munsif Cum Judicial Magistrate, Uthangarai.

4. In order to bring home the charges, the prosecution had examined P.W.1 to P.W.8 and marked Exs.P1 to P10. On the side of the petitioner, no one was examined and no document was marked. On a perusal of oral and documentary evidence, the Trial Court found the accused guilty for the offence punishable under Sections 420 and 471 of IPC and sentenced him to undergo three months simple imprisonment with a fine of Rs.5000/-, in default to undergo four weeks simple imprisonment for the offence under Section 420 of IPC. He was also



Crl.R.C.No.501 of 2018

sentenced to undergo three months simple imprisonment for the offence under Section 471 of IPC. Aggrieved by the same, the petitioner preferred an appeal and the same was dismissed confirming the Judgment passed by the Trial Court. Hence, this revision.

5. The learned counsel for the revision petitioner would submit that even according to the case of the prosecution, the signature found in the SSLC certificate are genuine one and the marks mentioned in the mark sheet alone were fabricated by the petitioner. It is a computerized mark sheet and absolutely there is no possibility for the petitioner to fabricate it. According to the learned counsel, the petitioner had produced whatever marks issued by the authorities concerned and since all the signatures of the authorities concerned were found to be genuine, it cannot be said that the certificate is a forged one. He further submitted that the petitioner was convicted only for the offences under Sections 420 and 471 of IPC for a period of three months. Insofar as the other offences are concerned, he was acquitted. He had also been incarcerated for a period of 22 days. He is an old age person. Therefore, he prayed for acquittal from all the charges.



Crl.R.C.No.501 of 2018

WEB COPY

6. Per contra, the learned Government Advocate (Crl.Side) would submit that the prosecution categorically proved its case beyond any doubt and as such both the Courts below rightly convicted the petitioner for the offences under Sections 420 and 471 of IPC.

7. Heard, Mr.C.R.Malaravannan, learned counsel appearing for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl.Side) appearing for the respondent.

8. The fabricated mark sheet was marked as Ex.P4. Admittedly, the petitioner produced the said mark sheet and joined as Village Administrative Officer. While regularizing his service, his certificates were verified by the authorities concerned and found to be a fabricated one. Though, the signatures found in Ex.P4 were genuine, the marks entered in the mark sheet were different from the register maintained by the Education Department.

9. Therefore, this Court finds no infirmity or illegality in the



Crl.R.C.No.501 of 2018

WEB COPY

orders passed by the Courts below. However, considering the age of the petitioner and also considering the fact that he had already undergone incarceration for a period of 22 days, this Court is inclined to reduce the sentence imposed on the petitioner. That apart, he was dismissed from his service. Accordingly, while confirming the conviction imposed as against the petitioner for the offences under Sections 420 and 471 of IPC, the sentences imposed on the petitioner alone are reduced to the period of incarceration which was already undergone by the petitioner.

10. Accordingly, this Criminal Revision case is partly allowed.

14.11.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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WEB COPY



Crl.R.C.No.501 of 2018

G.K.ILANTHIRAIYAN, J

mn

To

1. The Principal District and Sessions Judge, Krishnagiri.
2. The District Munsif Cum Judicial Magistrate, Uthangarai.
3. The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.501 of 2018

14.11.2022