



BAIL SLIP

The Petitioner/ Accused namely Vetriselvan S/o.Kanniyappan was directed to be released on bail in and by the order of this Court dated 24.03.2014 and made in CrI.MP.No.1 of 2014 in CrI.R.C.No.337 of 2014.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order Reserved on : 07.01.2021

Order Pronounced on : 11.01.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CrI.R.C.No.337 of 2014

Vetriselvan

...Petitioner

Versus

The Inspector of Police,
District Crime branch,
Thiruvallur,
Thiruvallur District.
(Crime No.16 of 2002)

...Respondent

Prayer : Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., to allow the above Criminal Revision and set aside the order passed by the learned Judicial Magistrate No.I, Thiruvallur in C.C.No.155 of 2003, dated 24.08.2010 and the same was confirmed by the Additional District Judge-cum-Fast Track Court No.III, Thiruvallur in C.A.No.81 of 2010, dated 23.09.2011.

For Petitioner	:	Mrs.R.Revathy Legal Aid Counsel
For Respondent	:	Mr.L.Baskaran Government Advocate (Criminal Side)

ORDER

This is an amusing case in terms of observing human behaviour. The petitioner accused in this case namely, 'Vetriselvan', was employed in transport department by the name 'Vetri' during 2000 - 2001. He suddenly decides to become a teacher. Therefore, he concocts/forges a complete set of documents/certificates i.e., 10th standard certificate, 12th standard certificate, Diploma in Teacher Education certificate etc., by the name 'Vetriselvan' and applies for the position of Secondary Grade Teacher under the Government of Tamilnadu.

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2. He was duly selected and was appointed to the post with effect from 20.02.2001 and was working in the post and drawing



his salary. While so P.W.1, the Assistant Elementary Education Officer, took up the regular task of verification of certificates and during the verification, the Headmaster of the school in which the petitioner alleged to have studied communicated that there was no such student in the particular batch. The Directorate of examinations of the Government of Tamilnadu communicated that the 10th Standard Certificate and the Higher Secondary Certificate produced by the petitioner were bogus and the petitioner was not actually issued with such certificates in the concerned serial numbers. Similarly, the appropriate authority also confirmed that Diploma in Teacher Education Certificate produced by the petitioner/accused is also bogus.

3. Therefore, the petitioner was immediately suspended from service and P.W.1 lodged a complaint on 13.01.2002, based on which, a case in Crime No.16 of 2002 was registered by the District Crime Branch, Thiruvallur. P.W.12, Inspector of Police took up the case for investigation, completed the investigation and filed a final report, proposing the petitioner accused guilty for the offences under Sections 420, 465, 471 of Indian Penal Code.

4. The case was taken on file as C.C.No.155 of 2003 by the learned Judicial Magistrate No.1, Thiruvallur and upon appearance of the petitioner/accused, copies were furnished. The accused denied the charges, upon questioning and stood trial. The prosecution examined P.W.1 to P.W.14 and marked Exs.P1 to P14 and rested its case. Upon being questioned about the material evidence and the adverse circumstances on record as per Section 313 of Cr.P.C., the accused denied the same. Thereafter, the accused examined himself as D.W.1 and Exs.D1 to D14 were marked on behalf of the defence.

5. The Trial Court proceeded to hear the learned Assistant Public Prosecutor on behalf of the prosecution and the learned Counsel for the petitioner/accused and by its judgment, dated 24.08.2008 found that on the basis of the evidence of P.W.1 and on the basis of the Ex.P2, letter from the Secretariat of the Government examinations, Ex.P7, letter, stating that the mark sheet produced by the petitioner/accused, in respect of 10th Standard is bogus, Ex.P8, letter of the Headmaster of the concerned school stating that the mark sheet is bogus and that there was no such student, Ex.P9, letter from the Headmaster stating that no such student actually studied in Kaveripakkam Government Boys High School during the relevant years, Ex.P10, letter from the Village Administrative Officer, confirming that the address given by the petitioner/accused is bogus, Ex.P11 stating that there was no such serial number at all as contained in the petitioner/accused certificate and the note from the transport department in Ex.P13 that the petitioner/accused was absent from duty in the Transport Department from 21.08.2001 to 18.04.2002 and the evidence of P.W.4 and P.W.5. identifying that it was only the accused who was working as the teacher at the relevant point of time, held that the prosecution proved the offences beyond doubt and



6. After holding the accused guilty for the offences, the Trial Court sentenced the accused of two years Simple Imprisonment and a fine of Rs.1000/- in default to undergo six months Simple Imprisonment for the offence under Section 420 of Indian Penal Code, two year Simple Imprisonment and a fine of Rs.1000/- and in default to undergo six months Simple Imprisonment for the offence under section 468 of the Indian Penal Code and two years Simple Imprisonment and a fine of Rs.1000/- and in default to undergo six months Simple Imprisonment for the offence under Section 471 of the Indian Penal Code; and to undergo the sentences simultaneously for all the three offences and to set off the period already under incarceration under the provisions of Section 428 of the Code of Criminal Procedure.

8. After filing the present revision, even though the petitioner was granted suspension of sentence, the learned Counsel, originally appearing for the petitioner, was taking time for arguments on repeated occasions but however finally reported no instructions. Therefore this court proceeded to appoint Mrs.R.Revathy , the learned Counsel from the Legal Aid Panel, to represent the petitioner.

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convicting the petitioner/accused. Further, even P.W.9 has deposed before the Trial Court that his signature was obtained in a blank papers and therefore, it would be clear that in this case no proper investigation was conducted by P.W.12 and therefore, benefit of doubt should be given to the petitioner/accused and this court should interfere in exercise of the revisional powers.

10. Per contra, Mr.L.Baskaran, the learned Government Advocate appearing on behalf of the prosecution, would submit that this is a clear and categorical case borne out of records and once the serial number of the certificates are found to be bogus and when the authorities have categorically communicated that there was no such 10th Standard, 12th Standard or Diploma Certificate, coupled with the confirmation by the concerned the school Headmasters that there was no such student, the prosecution had proved the case to the hilt and there was no necessity to prove the manner of forgery in this case. This apart P.W.4 and P.W.5 have categorically identified that it is only the petitioner/accused who was working as Teacher and therefore, it is clear that 'Vetri' and 'Vetriselvan' are one and the same person and therefore, there is nothing in this case to interfere in exercise of revisional jurisdiction.

11. I have considered the rival submissions made on both sides and I have gone through the records. I am in agreement with the learned Government Advocate that this is a case in which the documents filed before the Trial Court categorically and clearly establish that the set of documents produced for obtaining the employment as Secondary Grade Teacher are completely bogus and forged. Further, the defense of the petitioner/accused is that he was not working as the teacher and he was actually working in the Transport Department. The evidence of P.W.13, the Official from the Transport Department and the document in Ex.P13 disclosing that the petitioner was actually absent during the relevant point of time clearly and categorically pins the action on the accused and therefore, the prosecution has proved the offences to the hilt and there is absolutely no scope whatsoever for this court to interfere with the findings and conclusions of the Trial Court as well as the Lower Appellate Court and accordingly, this Criminal Revision is devoid of merits. This court also finds that the sentence imposed by the Trial Court as confirmed by the Lower Appellate Court is just and proper considering the facts and circumstances of the case.

12. The criminal revision therefore stands dismissed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//



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To

1.The Additional District Judge-cum-Fast Track Court No.III,
Thiruvallur.

2.The Judicial Magistrate No.I, Thiruvallur.

3.The Chief Judicial Magistrate,
Thiruvallur (for information)

4.The Superintendent,
Central Prison, Puzhal, Chennai.

5.The Inspector of Police,
District Crime branch,
Thiruvallur, Thiruvallur District.

6.The Public Prosecutor,
High Court of Madras.

Copy to:

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

2.The Secretary,
Tamilnadu State Legal Services Authority,
Madras.

Crl.R.C.No.337 of 2014

PL (CO)
PR (01/03/2022)