

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 15.06.2022

PRONOUNCED ON : 22.06.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.O.P.NO.22414 OF 2019

AND

CRL.M.P.NO.11656 OF 2019

N.Veerappan

... Petitioner

/Versus/

1. The State represented by
The Inspector of Police,
Central Crime Branch,
Crime No.198 of 2017,
Document Forgery Wing-Team 27,
Veperiy, Chennai - 600 007.

2. Dr.Manjula,
Director Collegiate Education,
Department of College Education,
Chennai - 600 006.

3. G.Rajesh

... Respondents

(Impleaded as per order in
Crl.M.P.No.1420 of 2020 in
Crl.O.P.No.22414 of 2019
dated 15.06.2022)

PRAYER:-

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records and quash the case in C.C.No.3221 of 2019 in the Court of the learned Metropolitan Magistrate for the Exclusive Trial of C.C.B.(Relating to Cheating Cases in Chennai) and C.B.CID Metro Cases, Egmore, Chennai in Crime No.198 of 2017 on the file of the 1st respondent.

For Petitioner : Mr.R.John Sathyan

For Respondents : Mr.N.S.Suganthan
Government Advocate
For R1

No appearance for R2

Mr.H.Manivannan for R3

O R D E R

The petitioner herein, a retired Associate Professor from Sri Theagaraya College, Chennai, is the first accused in C.C.No.3221 of 2019 (on the file of Special Court for the Exclusive Trial of CCB, investigated by C.B.CID Metro Cases, Egmore).

2. The gravamen of the charge against him is, he for securing the post of Assistant Professor manipulated and fabricated his marks sheet of his M.Sc (Botony) issued by Annamalai University, in connivance of the second and third accused.

3. Based on the statement of marks alleged to have been issued by Annamalai University on 31/08/1984 carrying Folio No.97 and Registration No.4205, showing that he has secured an aggregate of 829, marks out of 1200, his appointed as Lecturer in Sri Theagaraya College was approved by the University of Madras vide letter dated 02/03/1990. Later, in the year 2009, when one Rajesh, Librarian of the said college sought for the marks detail of the petitioner under RTI, the Annamalai University confirmed that the petitioner has secured 829/1400 in his M.Sc Examination. However, on the persistent complaints by Rajesh alleging the M.Sc marks statement produced by the petitioner is a fabricated document and on Court intervention, the Director of Collegiate Education, requested the Registrar, Annamalai University to verify the marks statements of N.Veerappan (the petitioner herein) and confirm its genuineness. In response, the Registrar, Annamalai University had informed, vide his letter dated 09/12/2009, that on verification of records, it is confirmed that Veerappan studied M.Sc (Botany) through on campus programme during 1978 - 1981. He had scored 829/1400 marks. Again, the Director of Collegiate Education on the request made by the Sub-Inspector, CCB - Chennai, in his letter dated 09/07/2016, requested the Annamalai University and the Madras University to verify the genuineness of the educational certificates of the Veerappan and report.

4. The Registrar(i/c), Annamalai University in his letter dated 14/06/2017 had informed that on verification Examination

Mark Ledger, it is found that Veerappan secured only 729 marks out of 1400 marks. The statement of marks he secured in each subject also furnished. The Fact Finding Committee constituted by the Madras University gave a report with similar finding. As a result, the Director of Collegiate Education gave a written complaint dated 01/07/2017 to CCB-1, Chennai. The complaint culminated in filing of final report against Veerappan (the petitioner herein), Meenakshi Sundaram (Controller of Examination Annamalai University-turned approver), Rathina Sabapathi (Registrar of Annamalai University) and Kalyana Sundaram (Deputy Controller of Examination, Annamali University) for offences under Sections 465,468,471,420 IPC r/w 109 and 34 of IPC and the same was taken cognizance by the Metropolitan Magistrate, designated to try cases investigated CCB.

5. N.Veerappan, the petitioner herein, is before this Court through this petition to quash the case in C.C.No.3221/2019 on the ground that, the final report lacks prima facie material to take cognizance. Learned counsel appearing for the petitioner submitted that, the petitioner joined service in the year 1986 as Lecturer on completion of M.Sc degree(Botany) from Annamalai University in the year 1984. He later acquired M.Phil and P.hd degrees from Madras University. He has put up unblemish service through out as Lecturer, Assistant Professor and Associate Professor. In the year 2004, he was made the Head of Micro Biology Department. When the post of Principal in Sri Teyagaraya College fell vacant during the year 2009, the lobby working against the petitioner started alleging that his M.Sc marks are bogus. Through Thiru. Rajesh, then Librarian in the college writ petition No.13582/2009 filed. Pursuant to the direction of the High Court, enquiry was conducted and concluded stating the allegations made by Rajesh is baseless and false. Thereafter, the petitioner filed a suit against Rajesh for damages of Rs. 1 lakh. Decree in O.S.No.3269/2009 before the City Civil Court, Chennai was passed in favour of the petitioner. The appeal filed by Rajesh was dismissed.

6. While so, without verifying the master register and the answer sheets, alleging that the correction is made in the Tabulated Mark Register in the year 2009 with the connivance with the other accused, who succumbed to the pressure exerted on them by the petitioner is beyond any preponderance of probability. Why the entire hierarchy of Annamalai University should go all out to protect the interest of petitioner by correcting the Tabulated Mark Register is a mysterious question for which the final report is conspicuously silent.

7. Per contra, the learned Government Advocate (Crl.Side) appearing for the first respondent/State and the learned counsel appearing for the impleaded 3rd respondent/Rajesh relying on the

statement of the approver Meenakshi Sundaram and the statement of the Fact Finding Committee constituted by Madras University and the Forensic Lab Report regarding the disputed entries in the Tabulated Mark Register, undoubtedly point the needle of guilt towards the petitioner, who is beneficiary of the said manipulation and fabrication. The pressure exerted on the officers of the Annamalai University to give false reply contrary to the records is spoken by witnesses and their statements recorded under Section 161(3) of the Code of Procedure Code is to be tested in the trial. Therefore, it cannot be pleaded that there is no prima facie record to take cognizance.

8. This Court on considering the statements of Rajesh (3rd respondent), Arumugam (Registrar (i/c), Annamalai University), Dr.David Ambrose (Prof & HOD, Department of Legal Studies, Madras University), Saravanan (Deputy Registrar, Annamalai University), the statement of the approver Meenakshi Sundaram, besides the hand writing expert opinion, without doubt leads to the conclusion that there is prima facie case made out against the petitioner to take cognizance for the alleged fabrication. Particularly, when the independent three members Fact Finding Committee constituted by Madras University, had reported as under:-

"It is apparent that after correction the first year marks has been changed from "359" to 406 out of 700 due to this there is increase of "47" marks. Similarly, after correcting the Second year marks has been changed from "370" to 423 out of 700 marks and as a result there is an increase of "53" marks. Thus, there is an increase of 100 marks (47 + 53 = 100 marks) in total out of the maximum 1400 marks. As a result of this change, there is an increase of about 4.14%(52.07 to 59.21) in the over all percentage. The FFC also noted that there are no other correction whatsoever in any other pages of the Tabulator Register Records pertaining to M.Sc (Botany) Degree examination.

The Corrections pertaining to first year marks are carried out with a black pen and initialed by "R" Second year marks corrections are carried out with green pen and initialed by Controller of Examination, reasons for corrections, like revaluation, improvement, are not given. The original marks are struck down and corrected marks are given along side. The FFC categorically opines that marks are corrected intentionally without assigning any reason in the Tabulator Register

Records leading to manipulation of Marks. However, the questions like 1)When the marks were correction? 2)Who corrected it? 3)What was the motive behind the correction? Need a deeper probe and the FFC feels that these questions can only be properly probed by the appropriate authority."

9. The Final Report filed by the 1st respondent is the result of the investigation done and material evidence collected in the course of investigation. Material so collected is sufficient to take cognizance. Therefore, this Court decline to interfere with the wisdom of the trial Court taking cognizance of the offence.

10. Accordingly, this Criminal Original Petition to quash C.C.No.3221 of 2019 is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate for the
Exclusive Trial of CCB (Relating to
Cheating cases in Chennai) and
CBCID Metro Cases,
Egmore, Chennai.
2. The Inspector of Police,
Central Crime Branch,
Documentary Forgery Wing-Team 27,
Vepery, Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.John Sathyan, Advocate, S.R.No.38162

CRL.O.P.NO.22414 OF 2019 AND
CRL.M.P.NO.11656 OF 2019

AD(CO)
PBS/01/07/2022