BAIL SLIP in Crl.R.C.No.622 of 2017

The Petitioner/Accused -1 Namely K.Ravindranath aged 56 years S/o Kannu Pillai was directed to be released on bail in and by order of this Court dated 21/04/2017 made in CRP.MP.No.5596 & 5597/2017 in Crl.R.C.No.622 of 2017.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

Crl.R.C.No.622 of 2017

K.Ravindranath ... Petitioner/Accused - 1

Vs.

State rep. by.,
Inspector of Police,
C.C.I.W., C.I.D.,
Vellore.
(Crime No.1 of 2003) ... Respondent

Prayer :- Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C., praying to set aside the judgment passed against the petitioner in C.A.No.251 of 2011 on the file of I Additional District and Sessions Judge, Vellore dated 10.08.2016 by confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Vellore, dated 21.10.2011 in C.C.No.303 of 2007.

For Petitioner : Mr.S.Sairaman

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been preferred challenging the judgment of the learned I Additional District and Sessions Judge, Vellore, dated 10.08.2016 made in C.A.No.251 of 2011.

2. The case of the prosecution is that the first accused was the Secretary, the second accused was the Assistant Secretary and the third accused was the President of Valathur Primary Agricultural Co-operative Bank; the Secretary is responsible for the maintenance of the bank accounts, ledgers and all transactions including the properties of the Bank. The second

accused as the Assistant Secretary of the Bank, had got a duty to open ledger sheets for collecting loan repayments, membership contributions and maintain the disbursal register, Day Book and Cash Register; the third accused had got the over all responsibility to maintain all the properties belonging to the Bank. During the period between 14.02.1994 to 09.04.1994 and 31.08.1995 to 01.10.1998, the first accused went on medical leave; during that time, the second accused held the additional charge of the Secretary.

2.1 The first accused had conspired with other accused to misappropriate the money of the Bank and with that intention, between the period from 02.02.2001 to 20.05.2001, he omitted to maintain proper records and make relevant entries. Whenever the members of the Bank/borrowers repay the agricultural loan availed by them, the accused 1 & 2 were in the habit of making entries only in the loan register; whenever the members get the loan amount from the fixed deposit made by them, they make false entries in the loan register; they only disbursed less amount than the actual amount sanctioned as loan; even for the paid loan amount they would not issue proper cash receipts; the accused 1 and 2 had misappropriated a sum of Rs.3,86,410/-; for the fraudulent acts committed by the accused 1 and 2, the third accused also supported and thereby, the accused have committed the offences under Sections 408 r/w. 35 and 477(A) of IPC.

2.2 On the surprise inspection made by P.W.2 - Thomas, Divisional Supervisor, Pernampet on 08.06.2001, certain lapses were noticed in the accounts maintained by the Bank; he noticed that for many accounts, entries have been made in the loan register against the debit and credit columns but relevant entries were not made in the Day Books; in view of this, he submitted a special report dated 11.06.2001 to the Special Officer, Central Co-Operative Bank, Vellore. During the relevant time, P.W.4 - Gurunathan, Field Manager at Gudiyatham Branch, also submitted a special report to the Special Officer, Central Co-Operative Bank, Vellore on 23.06.2001 by stating that by exaggerating the pending loan amount and by disbursing the smaller loan amounts, the first accused had misappropriated the difference in the above said amount.

2.3 On receiving the special reports, P.W.3 - Ranganathan, Deputy Registrar of Thirupattur Division appointed P.W.24 - Thangavelu as the Enquiry Officer and issued proceedings - Ex.P2. Since Thangavelu went on leave, a revised proceedings was issued for appointing one Rajendiran - P.W.25 as the Enquiry Officer. After completing the enquiry, P.W.25 - Rajendiran has submitted a report stating that a total sum of Rs.26,25,529/- have been misappropriated in the Bank during the relevant period.

2.4 On the complaint given by P.W.1 - Thandavamoorthy, Deputy Registrar of Co-Operative Bank, a case in Crime No.1 of 2003 of CCIW Police was registered and an F.I.R was prepared on 05.01.2003 on the complaint given on the same day. P.W.26 - Deivasigamani, Inspector of Police, had registered a case and prepared the F.I.R. He took up the case for investigation and seized the relevant records and arrested the accused 1 and 3 namely Ravindranath and Boopathy on 05.01.2003 and sent them for remand. During the pendency of the investigation, P.W.26 got transfered to some other place so, P.W.27 - Pandari, Inspector of Police, succeeded him and continued the investigation. He examined the rest of the witnesses and completed his investigation and filed a charge sheet against the accused on 30.05.2005.

3. After the case was taken on file and on being satisfied with the materials available on record, the learned trial Judge has framed the charges against the first and second accused for the offences under Sections 408 r/w. 35 and 477(A) r/w. 35 of IPC and against the third accused for the offence under Section 408 r/w. 35 of IPC. When the accused were questioned, they pleaded innocence and claimed to be tried.

4. During the course of the trial, on the side of the prosecution 27 witnesses were examined as P.W.1 to P.W.27 and 52 documents were marked as Exs.P1 to P52. When the incriminating part of evidence surfaced from the evidence of the complainant was put to the accused 1 to 3 under Section 313 Cr.P.C., they denied their involvement. On the side of the defence, no witness was examined and no document was marked.

5. At the conclusion of the trial and on considering the evidence available on record, the learned trial Judge found the accused guilty as under:-

Rank	Provisions under which convicted	Sentence
A1	408 r/w 35	One year Rigorous Imprisonment and imposed a fine of Rs.1,000/- in default to undergo 15 days Rigorous Imprisonment
	477(A)	One year Rigorous Imprisonment and imposed a fine of Rs.1,000/- in default to undergo 15 days Rigorous Imprisonment

The sentences shall run concurrently.

The second and third accused were found not guilty and acquitted.

6. The Criminal Appeal preferred by the first accused in C.A.No.251 of 2011 before I Additional District and Sessions Judge, Vellore, was also dismissed on 10.08.2016. Aggrieved over that, the first accused preferred this present revision case.

7. Heard the learned counsel for the petitioner/first accused and the learned Government Advocate (Criminal Side) appearing for the respondent/State.

8. The learned counsel for the petitioner/first accused submitted that the Enquiry Officer - Rajendiran has not been given any enquiry proceedings for the purpose of conducting enquiry, after the said previous Enquiry Officer - Thangavelu went on leave. In the enquiry made under Section 81 of the Tamil Nadu Co-Operative Societies Act, the enquiry has to be completed within a mandatory period of three months and at the maximum extended period of six months. Despite the Enquiry Officer was appointed on 11.07.2001, the enquiry report has been submitted on 18.03.2002 and hence, the enquiry report itself is violative of Section 81(4) and it is not valid in the eye of law. Hence, the case registered basing on the enquiry report itself is unlawful. The Day Book was not marked as a document by the prosecution despite it is the best evidence. When the Enquiry Officer has given a finding that all the three accused were responsible for the affairs of the Bank and the learned trial Judge had acquitted the second and third accused, hence the first accused should also been given with benefit of doubt.

8.1 The learned trial Judge had found the first accused guilty only based on the oral evidence of the prosecution witnesses; there is no dispute with regard to the signatures of the witnesses affixed on the documents maintained by the Bank in connection with the loan transactions; the witnesses have deposed evidence in favour of the prosecution just to avoid from the liability to repay the loan amount availed by them; when the case of the prosecution is relied on the documentary evidence, it is the duty of the prosecution to bring the relevant documents as evidenced before the Court; since the prosecution has omitted to produce the relevant documents, the Courts below ought to have held that the charges against the accused including the first accused were not proved beyond reasonable doubt and hence, the revision case should be allowed.

9. The learned Government Advocate (Criminal Side) appearing for the respondent State submitted that the witnesses have stated in their evidence that lesser amount were disbursed to borrowers despite higher amounts were sanctioned as loan and the accused had misappropriated the remaining amount by making false entries on records; the Officers of the Co-Operative Bank who have conducted the enquiry and prepared a special report have also stated in their evidence about the misappropriation; the learned trial Judge and the First Appellate Judge have appreciated the evidence in a proper perspective and found the first accused guilty and hence, it needs no interference.

9.1 The learned Government Advocate further submitted that the role of the High court in revisional jurisdiction is very limited and it is that of a supervisory jurisdiction and the Court can call for records and examine it only for the purpose of satisfying itself as to the correctness and legality of propriety of any finding, sentence or orders. In respect of his above said contention, he relied on the decision of the Hon'ble Supreme Court held in the case of 'Kishan Rao Vs. Shankargouda' reported in '(2018) 8 Supreme Court Cases 165'. The attention of this Court is attracted to para 12 and the same is extracted as under:-

> 12. This Court has time and again examined the scope of Section 397/401 Cr.P.C. and the ground for exercising the revisional jurisdiction by the High Court. In State of Kerala vs. Puttumana Illath Jathavedan Namboodiri, 1999 (2) SCC 452, while considering the scope of the revisional jurisdiction of the High Court this Court has laid down the following:
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> > "5......In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High

Court which would otherwise tantamount to gross miscarriage of justice. On scrutinizing the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation to come to the conclusion that the High Court exceeded its jurisdiction in interfering with the conviction of the respondent by reappreciating the oral evidence.....”

10. Point for Consideration :-

Whether the finding of the guilt of the first accused for the offences under Sections 408 r/w 35 and 477(A) of IPC, based on the materials available on record is fair and proper?

11. The origin of this case is the report submitted by P.W.2 – Thomas, who had conducted a surprise inspection in the Bank on 08.06.2001. He has stated in his report submitted to the Field Manager on 11.06.2001 that out of 43 loan accounts there were no entries made in the Day Book for some 12 loan accounts and some of the Day Books were not given to him for inspection. Hence, he requested to appoint an Enquiry Officer to enquire into the whole scam and to file a report. On the basis of the said report, P.W.1 - Thandavamurthy, the then Deputy Registrar of Vellore District Central Co-Operative Bank Ltd., wrote a letter to the Deputy Registrar, Thirupattur Division on 14.06.2001 and endorsed the views of P.W.2. P.W.1 had also written another letter to the Deputy Registrar on 03.07.2001 by stating that he got a report from the Field Manager, Gudiyatham that there was some misappropriation committed in the jewel loan files also and it required appropriate action. Only thereafter, the proceedings was issued by P.W.3 – Ranganathan, Deputy Registrar, Thirupattur, for appointing P.W.24 - Thangavelu as Enquiry Officer. Since Thangavelu went on leave, another proceedings dated 28.09.2001 was issued by the then Deputy Registrar of Thirupattur District, P.W.3 – Ranganathan for appointing P.W.25 – Rajendiran as Enquiry Officer.

12. So far as this revision case is concerned, the misappropriation is found to have been committed in connection with the loans pertaining to P.W.5, P.W.10, P.W.11, P.W.13, P.W.14, P.W.16, P.W.18, P.W.19 and P.W.22. The following differences in the amounts are said to have been misappropriated by the petitioner/first accused:-

	Sanctioned Amount	Given Amount	Alleged misappropriation
P.W.5	16,410	6,000	10,410
P.W.10	42,665	15,000	27,665

P.W.11	27,350	-	27,350
P.W.13	26,800	5,000	21,800
P.W.14	24,065	18,000	6,065
P.W.16	10,940	10,000	940
P.W.18	3,825	810	3,015
P.W.19	24,065	6,000	18,065
P.W.22	26,800	16,650	10,150
			1,25,460

13. According to P.W.5 - Thirunavukkarasu, as against the sanctioned loan of Rs.16,410 on 24.02.2001, he was given with only Rs.6,000/- and the balance amount of Rs.10,410/- was misappropriated by the accused. On perusal of his loan file Ex.P22, P.W.5 appears to have requested for loan of Rs.16,375/- but a loan of Rs.16,410/- was sanctioned. The figure in the withdrawal slip also tallies with the loan application and loan sanction order. Despite it is alleged by the prosecution that the misappropriation was done by falsifying the records, the basic document namely the loan register was not produced before the trial Court. In the documents found in the loan file of P.W.5, it is seen that he had requested a loan for a sum of Rs.16,410/- on 24.02.2001. P.W.5 did not deny his signatures found in Ex.P22 - Loan file. At no point of time, P.W.5, had complained to any authorities that he was given with a lesser amount despite a larger amount was sanctioned as loan on his application.

Though the modus operandi for misappropriation has been stated as falsification of records like Day Book and Loan Register, the relevant documents were not produced before the trial Court. Unless the document relating to the origin of the offence is produced before the Court, the facts of the case can not be deemed as proved.

14. P.W.10 - Shanmugam has stated that as against the sanctioned loan of Rs.42,665/-, only Rs.15,000/- was disbursed to him and the balance amount of Rs.27,665/- was misappropriated by the accused. P.W.25 - Enquiry Officer has also stated the same facts and produced the loan file of Shanmugam as Ex.P23 and his statement as Ex.P4. The learned trial Judge has observed that in the loan application (Form-I) and the loan sanctioned order (Form-V), the signatures of P.W.10 are found place. Though P.W.10 applied for a loan of Rs.43,875/-, he was sanctioned with a loan of Rs.42,665/-. Despite P.W.10 had affixed his signature in all the loan papers which showed the sanctioned loan amount as Rs.42,665/-, he had not raised any

complaint against the accused. Though it is stated that the misappropriation was done by falsifying the records, the records which were alleged to have been falsified was not produced before the Court. Unless the basic documents on which the alleged false entries were made for the purpose of misappropriation are produced before the Court, a finding as to the misappropriation cannot be rendered.

15. P.W.11 - Parthasarathy has stated that by making use of his signatures which he affixed for the earlier loans, a loan Rs.27,350/- was sanctioned without his knowledge and the same was misappropriated by the accused. P.W.25 - Enquiry Officer produced the loan file of P.W.11 as Ex.P29 and his statement as Ex.P5. It is seen that in the loan application (Form-I) and the withdrawal slip, P.W.11 has affixed his signatures and he has not disputed his signatures. Neither had he given any complaint against the accused by stating that they had misappropriated the funds of the Bank by making false entries in the loan register. Unless the basic documents on which the false entries were made for the purpose of misappropriation are produced before the Court, a finding as to the misappropriation cannot be rendered.

16. P.W.13 - Kuppusamy has stated that as against the sanctioned loan amount of Rs.26,800/- on 24.02.2001, a sum of Rs.5,000/- alone was given to him and the balance amount of Rs.21,800/- was misappropriated by the accused. P.W.25 - Enquiry Officer has also stated the same facts and produced the loan file of P.W.13 as Ex.P24. P.W.13 has not not given any statement before the Enquiry Officer. The learned trial Judge has observed that the loan application (Form-I) and the loan sanctioned order (Form-V) contained the signature of P.W.13. Though P.W.13 had applied for a loan of Rs.27,560/-, the sanctioned loan was for Rs.26,800/- only. P.W.13 did not deny his signature found in his loan papers. Neither had he made any complaint against the accused by stating that the accused had misappropriated the funds of the Bank by falsifying the records. The basic documents like Loan Register Folio and Day Book for the relevant period were not produced to show that the accused had falsified the accounts and thus facilitated the misappropriation.

17. P.W.14 - Nagarajan has stated that as against the sanctioned loan of Rs.24,065/- a sum of Rs.18,000/- alone was disbursed to him and the balance amount of Rs.6,065/- was misappropriated by the accused. P.W.25 - Enquiry Officer has also stated the same facts and produced the loan file of P.W.14 as Ex.P36. The learned trial Judge had observed that in Form-I, the sanctioned amount is shown as Rs.24,065/- only. P.W.14 did not deny his signature in the loan papers. Unless the basic documents on which the false entries were made for the purpose

of misappropriation are produced before the Court, a finding as to the misappropriation cannot be rendered.

18. P.W.16 - Abdulla has stated that as against the sanctioned loan of Rs.10,940/-, a sum of Rs.10,000/- alone was disbursed to him and the balance amount of Rs.940/- was misappropriated by the accused. P.W.25 - Enquiry Officer has also stated the same facts and produced the loan file of P.W.16 as Ex.P35 and his statement as Ex.P8. The learned trial Judge had observed that in Form-I, the sanctioned amount is shown as Rs.10,940/- only. P.W.16 did not deny his signature in the loan papers. Unless the basic documents on which the false entries were made in order to achieve the object of misappropriation are produced before the Court, a finding as to the misappropriation cannot be rendered.

19. P.W.18 - Muniyammal has stated that on 17.03.2001, a sum of Rs.3,825/- was sanctioned to her but she was given only Rs.810/- as loan and the balance of Rs.3,015/- was misappropriated by the accused. P.W.25 - Enquiry Officer has produced her loan file as Ex.P31 and his statement as Ex.P10. The learned trial Judge had observed that in Form-I, the sanctioned amount is shown as Rs.3,825/- only. P.W.18 did not deny her signature in the loan papers. Unless the basic document on which the false entries were made in order to achieve the object of the misappropriation is produced before the Court, a finding as to the misappropriation cannot be rendered.

20. P.W.19 - Kali has stated that as against the sanctioned loan of Rs.24,065/- on 30.03.2001, a sum of Rs.6,000/- alone was disbursed to him and the balance amount of Rs.18,065/- was misappropriated by the accused. P.W.25 - Enquiry Officer has also stated the same facts and produced the loan file of P.W.19 as Ex.P39 and his statement as Ex.P11. The learned trial Judge had observed that in Form-I the sanctioned amount is shown as Rs.18,065/- only. PW.16 did not deny his signature in the loan papers. Unless the basic document on which the false entry was made in order to achieve the object of the misappropriation is produced before the Court, a finding as to the misappropriation cannot be rendered.

21. P.W.21 - Perumal has stated that on 18.05.2001, he paid a sum of Rs.4,000/- towards discharge of his loan No.427 but due credit was not made by the accused for the same amount. He has stated that he had paid another sum of Rs.4,000/- on 18.05.2001 towards his loan and that was also not credited and no receipts were also given to him. He has not given any complaint that the amounts paid by him were not duly credited and no receipts were also given to him. P.W.25 - Enquiry Officer has also stated the

same facts and produced his loan file as Ex.P48 and his statement as Ex.P13. Though it is alleged that the misappropriation was done by not making entries in the day register, the day register for the relevant period was not produced. Unless the basic document on which the false entries were made in order to achieve the object of the misappropriation is produced before the Court, a finding as to the misappropriation cannot be rendered.

22. P.W.22 - Kumar has stated that as against the sanctioned loan of Rs.26,800/- on 17.03.2001, a sum of Rs.16,650/- alone was disbursed to him and the balance amount of Rs.10,150/- was misappropriated by the accused. P.W.25 - Enquiry Officer has also stated the same facts and produced the loan file of P.W.22 as Ex.P.28 and his statement as Ex.P14. The learned trial Judge has observed in the loan application (Form-I) that PW.22 had requested a sum of Rs.27,562/- as loan. However, as per Form-V, he was sanctioned with a sum of Rs.26,800/- only. In all these papers including the loan card and withdrawal slip, P.W.22 has affixed his signature to show that the entire loan of Rs.26,800/- was received by him. He had not made any complaint against the accused by stating that the accused had falsified the records and misappropriated the loan amount sanctioned to the borrowers like him. Unless the basic document on which the false entry was made in order to achieve the object of the misappropriation is produced before the Court, a finding as to the misappropriation cannot be rendered.

23. P.W.24 - Thangavelu, who was appointed at the first instance as the Enquiry Officer has stated in his evidence that he was appointed as the Enquiry Officer to make enquiries with regard to loan accounts from 1142 to 2670. But it is seen that the Enquiry Officer has gone beyond his powers and made an exhaustive enquiry about the loans which do not connect to the loan Nos.1142 to 2670.

24. It is alleged by the prosecution that the first accused is the custodian of the registers and all other Books of Accounts pertaining to the loans given to the members and by making use of his access to the records, he had misappropriated the portion of the loan amount sanctioned to the borrowers by making false entries in the relevant registers. Hence, it is obligatory on the part of the prosecution to produce the relevant records in order to prove that false entries have been made on them for the purpose of committing misappropriation.

25. According to Section 61 of the Indian Evidence Act, the contents of the document should be proved either by primary evidence or by secondary evidence. Primary evidence is the very document on which the false entries is said to have been made

and the secondary evidence are the certified copies of the original duly authenticated by the concerned Officer. Since false entries have been made on the registers and records said to have been maintained by the first accused, the original records ought to have been produced.

26. No doubt, the loan registers and other Books of Accounts maintained by the Bank would be voluminous and bulky. But that cannot be the reason for non-production when false entries are said to have been made on them. Unless the origin of the offence i.e., the entries made in the concerned registers are produced and proved, no reliance can be given to mere oral statements of the borrowers who were examined before the trial Court as P.W.5, P.W.10, P.W.11, P.W.13, P.W.14, P.W.16, P.W.18, P.W.19 and P.W.22.

27. It is seen from the judgment of the trial Court that the trial Judge had believed the oral evidence of the borrowers and the Enquiry Officer - P.W.25, though the loan files relating to the borrowers do not show anything as to the allegation of misappropriation. In fact, P.W.2 - Thomas has stated in his report that some of the registers were not produced before him for inspection. In such case, the Investigation Officer should have got a search warrant from the Court and recovered the relevant registers. Neither any petition is filed under Section 91 of Cr.P.C., to call for the records from the person under whose custody they were lying.

28. In fact, the Enquiry Officer - P.W.25 has stated in his evidence that he did not take any steps to send the disputed signatures to the Forensic Expert for comparison and get a report. He has stated that the annual inspection of the Bank have been done promptly till the previous years. During those periods for which annual inspections were done, no discrepancy in the records has been pointed out. Even the deposit entries or other clerical errors are allowed to be rectified. His categorical evidence is that cash chitta receipts, loan disbursal proceedings, loan register and credit loan applications were the regular duties of the second accused despite the first accused was the over all in-charge of the Bank. But the learned trial Judge had acquitted the second accused from all the charges.

29. As per Section 57 of the Indian Evidence Act, all facts can be proved through oral evidence except the contents of the documents. So in a case based on the contents of the documents, those facts could only be proved through documents and not mere oral evidence.

30. It has been already pointed out that important documents

were withheld by the prosecution. If the primary documentary proof is not produced, the Courts have to draw an adverse presumption against the party who withheld the documents. It is a serious case in which it is alleged that lot of falsification of records have been made and that led to a larger scale scam in the Bank. The public money is used by the Bank for the purpose of welfare of the agriculturists. Hence, the supervising authorities of the Bank or the Investigation Officer ought to have taken due steps to cause the documents produced.

31. With the mere statement of the borrowers before the Court, it cannot be presumed that as against the larger amounts sanctioned for them they were given with only lesser amounts as loan. The borrowers are interested persons who might intend to escape from the liability of paying the actual loan amount by saying that only lesser amount were given to them. In fact, they had signed all the loan papers and issued withdrawal slips without any objection. It has been observed already that the borrowers have not given any complaint before the initiation of Section 81 enquiry, by alleging that they have been made to sign papers which had false details. The Enquiry proceedings preceded the report of an Inspecting Authority. The said report was sent to the Deputy Registrar (through proper channel) and in which it is stated that there might be a large scale scam. Under such circumstances, the Enquiry Officer at least should have called for the records while enquiring the concerned Officials.

32. No proper investigation has been done by seizing the relevant records. Though the Secretary is responsible for the overall affairs of the Bank, he cannot act individually without the support of other Officials. Since the relevant documents were not produced to substantiate the case of the prosecution, the finding of the guilt of the first accused calls for interference.

33. It has been insisted by the learned Government Advocate for the prosecution that the scope for re-appreciation of the evidence during the revision proceedings is very limited. It is true that once the trial Court had appreciated the facts and the First Appellate Court also re-appreciated the same, there cannot be any more appreciation about the facts proved before the Court, even if the High Court feels that the evidence can be appreciated in some other angle. But as held in the judgment of the Hon'ble Supreme Court in the case of Kishan Rao Vs. Shankargouda reported in (2018) 8 Supreme Court Cases 165, if any glaring feature which would otherwise tantamount to gross miscarriage of justice is brought to the notice of the High Court, the same cannot be ignored and the High Court has to deal with it by invoking its revisional jurisdiction.

34. In this case in hand, which is based on documents, findings have been rendered on the basis of the oral evidence of the witnesses, without looking into the documents. Unless the documents are produced and proved, no findings as to the commission of the offence by falsifying the records could be recorded. This gross and glaring omission resulted in miscarriage of justice cannot be neglected and it warrants interference. In view of the foregoing discussion, I feel that the judgment of the Court below has to be set aside.

In the result, this Criminal Revision Case is allowed and the judgment of I Additional District and Sessions Judge, Vellore District, dated 10.08.2016 in C.A.No.251 of 2011 is hereby set aside.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Sni

To

1. The I Additional District and Sessions Judge,
   Vellore.

2. The Judicial Magistrate No.2,
   Vellore.

3. -do-through the Chief Judicial Magistrate,
   Vellore.

4. The Inspector of Police,
   C.C.I.W., C.I.D. Vellore.

5. The Public Prosecutor,
   High Court, Madras.

COPY TO
The Section Officer,
Criminal Section,
High Court, Madras-104.

Crl.R.C.No.622 of 2017

GPL(CO)
CT 30/03/2022