



Crl.R.C.(MD)Nos.282 of 2018 and 68 of 2019

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.11.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

|                                  |                                    |
|----------------------------------|------------------------------------|
| Orders Reserved On<br>25.02.2020 | Orders Pronounced On<br>10.11.2022 |
|----------------------------------|------------------------------------|

**Crl.R.C.(MD)Nos.282 of 2018 and 68 of 2019**

K.Subramanian @ A.K.Subbu

... Petitioner in  
Crl.R.C.(MD)No.282/2018

Pakkirisamy

... Petitioner in  
Crl.R.C.(MD).No.68/2019

**Vs.**

The State rep. by  
The Inspector of Police,  
Special CBI, ACB, Chennai.  
FIR No.RC 34(A)/2006

... Respondent  
in both revisions

**COMMON PRAYER:** Criminal Revision Petition filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records relating to the judgment made in C.A.No.16 & 9 of 2014 respectively dated 28.02.2017 on the file of the learned II Additional District and Sessions Court, Tiruchirappalli confirming the judgment made in C.C.No.7 of 2007 dated 31.12.2013 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli and set aside the same.

For Petitioner in  
Crl.R.C.(MD).No.282/2018 : Mr.C.Muthusavaranan



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For Petitioner in  
Crl.R.C.(MD).No.68/2019 : Mr.R.Maheswaran

For Respondent  
in all revision petitions : Mr.N.Nagendran  
Special Public Prosecutor  
for CBI Cases

### **COMMON ORDER**

Both Criminal Revisions arise out of judgment from the common Calender Case in C.C.No.7 of 2007.

2. The petitioner in Crl.R.C.No.282 of 2018 is A1 and petitioner in Crl.R.C.No.68 of 2019 is A2. There are totally five accused in this case. Two of them have filed these revisions. All the accused were convicted in C.C.No. 7 of 2007 by a judgment of Chief Judicial Magistrate, Tiruchirappalli dated 31.12.2013.

3. The petitioner/A1 filed an appeal in Crl.A.No.16 of 2014 and petitioner A2 filed an appeal in Crl.A.No.9 of 2014. The II Additional District and Sessions Judge, Tiruchirappalli, by separate judgment dated 28.02.2017 dismissed the appeals of the petitioners confirming the conviction and sentence passed by the trial Court. Against which, the present revisions.



4. During trial on the side of the prosecution 26 witnesses examined as P.W.1 to P.W.26 and marked 48 documents as Exs.P1 to P48. On the side of the defence, no witnesses or exhibits marked.

5. The background of the case is that on 22.04.2001, one Rangarajan/A4, Veeramani/A5 were riding their Bajaj M-80 bike at Peruvalanallur at about 12.30 p.m. While proceeding towards Lalkudi, Rangarajan, who was rider of the bike, skidded in a turning, both fell down and A-4 sustained grievous injuries including fracture. The pillion rider, A-5/Veeramani sustained simple injury. Thereafter, a complaint lodged on 25.04.2001. The Lalgudi Police registered a case in Crime No.300 of 2001 for offence under Sections 279 and 338 I.P.C. Later it was closed as mistake of fact, which was not intimated to the Magistrate Court. The learned Judicial Magistrate, Lalgudi, finding that there has been a delay in filing a final report, closed the case on 30.05.2003 on the point of limitation.

6. A-1/K.Subramanian, an Advocate, filed a Motor Accident Claim Petitions in M.C.O.P.No.2310 of 2001 for A4-Rangarajan and M.C.O.P.No. 2396 of 2001 for A5-Veeramani before the Motor Accident Claims Tribunal against the National Insurance company. The CBI, Chennai while



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investigating a case in RC 34(A) 2006, it came to the notice that false claim petitions filed with false particulars and forged documents including the above case in Crime No.300 of 2001. In the meanwhile, the Insurance Company, investigator found that many of the claim petitions were filed with false particulars substituting the claimants/beneficiaries, vehicle and in some cases accidental fall and injury are projected as road accident cases.

7. There were 5 accidents in Tiruchirappalli District alone. (i) Crime No.179 of 2001 has been registered by Traffic Investigation Wing, Contonment Tiruchirappalli for an accident occurred on 08.06.2001, in which rider of the vehicle was N.Karunamoorthy/M.Karunanidhi and the vehicle involved is TVS 45 E 4116, (ii) Crime No.204 of 2001 has been registered by Jeeyapuram Police Station for an accident occurred on 09.07.2001 and the rider of the vehicle shown as Murugesan @ Karunamoorthy with the same vehicle TN 45 E 4116, (iii) Crime No.1051 of 2001 has been registered by Thiruverumbur Police Station for an accident occurred on 13.10.2001. In this case V.Pakkirisamy is projected as the rider of the TVS Champ TN 45 E 4116 and (iv) Crime No.559 of 2001 has been registered by Ramji Nagar Police Station for an accident occurred 07.11.2001 and the rider of the vehicle was projected as Anand and the



vehicle is TN 45 E 4116. Thus including this case there are five cases projected. In five cases, it has been shown as the vehicle TN 45 E 4116 is involved in an accident and the rider in three of the cases is M.Karunanidhi and in two other cases Pakkirisamy and Anand. Five claim petitions filed by A-1 using false, fabricated documents and also involving others in conspiracy of cheating. Hence, the Insurance Company filed a writ petitions before this Court in W.P.No.39956 & 39968 of 2005. This Court directed CBI to conduct investigation with regard to the false insurance claim and thus the case came to be re-opened on the directions of this Court and CBI re-registered the F.I.R. in RC MA1 2006 0053 dated 29.11.2006, conducted investigation and involvement of five accused found and charge sheet filed. On conclusion of the trial, the trial Court convicted all the accused and sentenced them to undergo 6 months simple imprisonment for the offence under Sections 120-B r/w 182 I.P.C., 1 ½ years simple imprisonment for the offence under Sections 420 r/w 511 I.P.C. and imposed a fine of Rs.2,000/- to each of the accused, in default to undergo three months simple imprisonment. The sentences are directed to run concurrently.

8. The present case is that A-1/K.Subramanian, Advocate, who predominantly practicing Motor Accident Claims cases. A-2/V.Pakkirisamy, a



Railway Employee, known to A-1. A-3/Karunanidhi is known to A-2. A-4/Arangarajan and A-5/Veeramani are the rider and pillion of Bajaj M80 vehicle. A-1 and A-2 entered into a conspiracy. As per the conspiracy A-2 to collect the details about the persons, who got injured in accident and taking treatment in hospital. They would be approached to give false complaint as though road traffic accident occurred. It was the duty of A-2 to project the TVS Champ TN 45 E 4116 purchased by him as the vehicle involved in the accident. A-3 would be the rider of the vehicle in most of the accident cases. Using the Insurance coverage of the vehicle, false Motor Accident claim petitions would be filed.

9. During the period between April 2001 to December 2001, they were involved in four similar cases. On 22.04.2001, A-4 and A-5 were proceeding to Lalgudi in the Bajaj M-80 vehicle. The vehicle was driven by Arangarajan/A-4 and Veeramani/A-5 was the pillion rider. While negotiating a curve at Poovalur Erikarai, the vehicle got skidded and both of them fell down. A-4 sustained grievous injury and A-5 sustained small abrasions, both of them got admitted in the Government Hospital, Lalgudi. Thereafter, as per the advise of the Medical Officer, both of them referred to Government Hospital, Tiruchirapalli. A-4 taken treatment as inpatient from 22.04.2001 to



04.05.2001. At the time of admission, A-4 informed that the injury sustained was due to the skidding of Bajaj M-80 vehicle. The same recorded in the Accident Register. When he took treatment at Government Hospital, Tiruchirapalli, an agent of A-1/K.Subramanian met A-4/Arangarajan, induced him to give a false complaint as though the injury sustained was due to road accident. Further stated that the accident vehicle, the rider and the police station formalities can be taken care by A-1, who is an Advocate and they would also be sufficiently paid for the same. Pursuant to this arrangement, A-1/K.Subramanian given a copy of the complaint to A-4/Arangarajan, who handed over the same to the Sub Inspector of Police, namely, Kandasamy, who enquired him. Thereafter, F.I.R. registered by Lalgudi police with a new version as projected by A-1. As per the conspiracy, A-3 appeared before the Police voluntarily and informed that he was the rider of TVS Champ TN 45 E 4116, which got involved in the accident due to which, A-4 and A-5 sustained injuries. A-4 got discharged from the Government Hospital on 04.05.2001 and as per the advise of A-1, A-4 and A-5 got admitted in the Hindu Mission Hospital, Tiruchirappalli from 04.05.2001 to 09.05.2001. The medical bills were paid by A-1. Furtherance to the conspiracy, on 27.08.2001, two claim petitions filed viz., (i) M.C.O.P.No.2310 of 2001 seeking compensation of Rs.2,00,000/- for A-4



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and (ii) M.C.O.P.No.2396 of 2001 seeking compensation of Rs.50,000/- for A-5. Thus all the accused A-1 to A-5 in conspiracy with each other given false particulars to the public servant and also using the same, attempted to cheat the Insurance Company. On conclusion of the investigation, charge sheet filed. The trial Court on considering the evidence and witnesses, convicted the accused as stated above.

10. The contention of the petitioner/A-1 is that he is practicing Advocate in Tiruchirappalli, predominantly in filing Motor Accident Claims cases. He disputed the evidence of P.W.1-Kandasamy, who projected that the petitioner produced A-3 as the rider of TVS Champ TN 45 E 4116 and also its documents. He refuted the evidence of P.W.4./Attender of Hindu Mission Hospital, Tiruchirappalli, who had stated about the regular visitation of the petitioner/A-1 to the hospital and made payments for the injured person on four or five occasions. According to the petitioner, he never visited Hindu Mission Hospital and how come the petitioner's mobile number and name recorded in Ex.P13, he is not aware. The respondent had created this document. Likewise, he denied the evidence of P.W.21, which is also on the similar lines. The petitioner/A-1 has nothing to do with the other accused. Normally, advocate or advocate clerk's refer cases, hand over documents to



the petitioner to file accident claim petitions and on their instructions he files claim petitions. It is the usual practice, which is followed even by other Advocates. The petitioner had brought all these facts by way of cross examination and also given detailed explanation while questioned under Section 313 Cr.P.C. The trial Court as well as Lower Appellate Court failed to consider the same and the petitioner is convicted merely on surmises and conjectures.

11. The petitioner/A-2 submitted that the vehicle TVS Champ TN 45 E 4116 is in the name of one S.Anthony Raj, the petitioner is not the owner of the vehicle. There is no material to show that the petitioner conspired with the other accused. There are witnesses and evidence to show that the above vehicle was purchased by Anthony Raj, who thereafter exchanged the vehicle in a Exchange Mela and the vehicle was purchased by one S.Ravikumar of Peravoorani. Neither Anthony Raj nor Ravikumar examined as witnesses in this case. In the absence of the same, the petitioner cannot be held as owner of the vehicle. A financier has been projected against the petitioner to implicate the petitioner that he had hypothecated his vehicle, submitted the documents of Anthony Raj and obtained loan. Further, the stand taken by the prosecution that the petitioner/A-2 has got 2 Insurance certificate for the



same vehicle one from National Insurance Company and another from the United India Insurance Company while the 1<sup>st</sup> insurance policy was still in force with National Insurance Company, There is no requirement for second insurance for the same period. The petitioner is also projected as though he conspired with A-1 to find out the accident victims in various hospitals and provide particulars to A-1. Further petitioner/A-2 projected as though he has given assurance to the victims that adequate compensation would be obtained for them. He further submitted that there is lot of contradiction and discrepancies between the oral and documentary evidences. Both the Courts below failed to properly appreciate the same. It is proved that the vehicle does not stand in the name of the petitioner/A-2. In such circumstances, the petitioner/A-2 cannot be proceeded and convicted. Hence, the learned counsels prayed to set aside the judgment dated 28.02.2017.

12. Learned Special Public Prosecutor appearing for the respondent submitted that the injury sustained by A-4 and A-5 was on 22.04.2001. Three days thereafter with much delay on 25.04.2001, complaint lodged. In the meanwhile, A-1 influenced A-4 and A-5 to give a false complaint suppressing the self fall by them and projecting as though it was a road traffic accident. A-4 sustained grievous injuries with fracture and A-5



sustained small abrasions. Thereafter, the Doctor, who treated A-4 and A-5 in the Government Hospital, Tiruchirappalli clearly state that at the time of the admission, A-4 stated that they fell down from their vehicle on their own while negotiating a turn in the curve. This is recorded in the Accident Register. The Doctors from the Government Hospital, Tiruchirappalli, namely, P.W.3 and P.W.5 have clearly deposed these facts. In pursuant to the conspiracy, A-4 and A-5 were taken to Hindu Mission Hospital, admitted as inpatient from 04.05.2001 to 09.05.2001. P.W.4/Attender in the Hindu Mission Hospital confirmed that A-1 used to bring injured persons to the hospital and pay for their treatment, collects documents and he has visited the hospital on four or five occasions. P.W.7 is the Doctor of Hindu Mission Hospital, who treated A-4 and A-5 from 04.05.2001. P.W.21 is the Administrative Doctor of the Hindu Mission Hospital, who confirms petitioner/A-1 regularly visiting the hospital and paying for the treatment of the injured and collecting documents.

13. In Ex.P13, the petitioner/A-1 particulars recorded. P.W.22, who is the Advocate Clerk under A-1, admits that two claim petitions filed by A-1 for A-4 and A-5. He also confirms that A-2 and A-3 visits A-1 office often on previous occasions. The Accident Register recorded in the Government



Hospital, Tiruchirappalli and the Accident Register recorded in the Hindu Mission Hospital, Tiruchirappalli are contrary to each other. All the accused joined together projected a false case taking advantage of the injury sustained by A-4 and A-5 as though it is an injury sustained due to road accident. The witnesses from the insurance company confirm that the vehicle insured with National Insurance Company. The insurer's name is Anthony Raj. Further, their internal investigation found that false claim made by the petitioners. P.W.14 confirms that the vehicle initially sold to Anthony Raj. P.W.13 confirms that there was an exchange Mela conducted by PLA Agencies. At that time, Anthony Raj handed over his vehicle along with signed documents in the Exchange Mela thereafter it got endorsed in the name of one Ravikumar. In the meanwhile, using the documents of TVS Champ TN 45 E 4116, A-2 availed hypothecation loan from P.W.16. At that time, he handed over the vehicle documents to Anthony Raj. He also produced Form 29 and 30 confirming the change of ownership thereafter again an insurance taken in the name of A-2. A-3 voluntarily surrendered before the Ramji Nagar Police.

14. The Sub Inspector of Police, Head Constable confirms about the voluntary surrender of A-3, production of details of the vehicle and admitting



that A-3 only caused accident and A-4 and A-5 got injured. Thereafter, the case closed on the point of limitation. A-3 executed bail bond with surety. Immediately thereafter, accident claim petitions filed by A-1. Thereafter, C.B.I. found that all the accused conspired together to cheat the Insurance Company. The Insurance Act is a benevolent Act for the benefit of injured and for the person, who lost their life in road accidents, which is attempted to be misused and the accused planned to enrich themselves by cheating the Insurance Company. On the directions of this Court, the entire false claim was investigated, thereby the conspiracy and the forgery in the above cases came to be unearthed. The petitioners gave false particulars to the public servant and also played fraud on the Court by giving false particulars, producing forged documents and used the forged documents as genuine.

15. The learned Special Public Prosecutor further relied upon the decision of the Apex Court reported in ***AIR 2017 SC 2161*** in the case of ***Mukesh and another vs. State for NCT of Delhi and others*** for the point that in the case of conspiracy under Section 10 of the Evidence Act anything done by anyone of them in reference to their common intention, is admissible against the others. He further relied upon the decision of the Apex Court in ***Crl.A.No.1261-1262 of 2017 dated 01.08.2017*** in the case of ***CBI vs.***



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**M.Sivamani**, wherein in a case of false accident claim, the High Court held that false documents were given to public servant and no proceedings can be initiated in view of the bar under Section 195(1)(a)(i) of Cr.P.C, the Apex Court referring to various citations and further adverting to the orders passed in W.P.Nos.7389, 39956 and 39968 of 2005 giving direction to entrust the investigation to CBI forthwith in respect of the complaints filed by the National Insurance Company as well as other Insurance Companies, held that in view of the same, the contention of the petitioners cannot be sustained. Hence, prayed for dismissal of the revision petitions.

16. Heard the learned counsel for the petitioners and the learned Special Public Prosecutor appearing for the respondent Police and perused the materials available on record.

17. Considering the submissions and on a perusal of material, it is seen that the petitioner/A-1 is an Advocate, who predominantly practise on the Motor Accident Cases. He filed Motor Accident claim petitions in M.C.O.P.No.2310 of 2001 for A4-Rangarajan and M.C.O.P.No.2396 of 2001 for A5-Veeramani. During the relevant period, five petitions of similar nature were filed by A-1 claiming compensation. In all the cases, the vehicle TN 45



E 4116 is projected as vehicle involved in the accident and most of the cases, A-3 is the rider of the two wheeler. A-2 and A-3 visits A-1 office often, which is confirmed by the evidence of P.W.22, clerk of A-1. Added to it, A-3 surrendered, confessed about the accident case. Thereafter he was arrested and then granted bail. P.W.25 executed surety for A-3 at the instance of A-1. The petitioner/A-1 involvement is not a stray incident. He committed well orchestrated crime in conspiracy with the other accused. In view of the forgery and falsity of the claim, which has been made by the petitioners before the public servants as well as the Court, closure of Crime No.300 of 2019 would not absolve the petitioners from their misdeeds and falsity. The role played by each of the petitioners are proved in commission of the offence with the corresponding evidence and witnesses. Documents well analysed and the trial Court rightly convicted the petitioners. The Lower Appellate Court independently analysed the evidence and dismissed the appeals preferred by the petitioners. The finding of the trial Court is a well reasoned one, which had come to the logical and correct conclusion by convicting the accused.



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18. In view of the same, this Court is not inclined to entertain these revisions. Accordingly, these Criminal Revision Cases are dismissed.

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Index: Yes/No  
Internet: Yes/No  
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To

- 1.The Inspector of Police,  
Special CBI, ACB, Chennai.
- 2.The II Additional District and Sessions Judge,  
Tiruchirappalli.
- 3.The Chief Judicial Magistrate,  
Tiruchirappalli.
- 4.The Public Prosecutor,  
High Court, Madras.



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**M.NIRMAL KUMAR, J.**

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**Pre-delivery common order in  
Crl.R.C.(MD)Nos.282 of 2018 and 68 of 2019**

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