



*Crl.R.C.(MD)Nos.279 & 269 of 2018
and 156 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 25.02.2020	Orders Pronounced On 10.11.2022
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**Crl.R.C.(MD)Nos.279 & 269 of 2018
and 156 of 2019**

K.Subramanian @ A.K.Subbu

... Petitioner in
Crl.R.C.(MD)No.279/2018

S.P.Elango

... Petitioner in
Crl.R.C.(MD).No.269/2018

Pakkirisamy

... Petitioner in
Crl.R.C.(MD).No.156/2019

Vs.

The State rep. by
The Inspector of Police,
SPE, CBI, ACB, Chennai.

... 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



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judgment in C.A.Nos.7, 10 and 8 of 2015 respectively dated 28.02.2017 on the file of the learned II Additional District and Sessions Judge, Tiruchirappalli confirming the judgment made in C.C.No.9 of 2007 dated 30.12.2014 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli.

For Petitioner in
Crl.R.C.(M).No.279/2018 : Mr.C.Muthusavaranan

For Petitioner in
Crl.R.C.(M).No.269/2018 : Mr.T.Senthilkumar

For Petitioner in
Crl.R.C.(M).No.156/2019 : Mr.R.Maheswaran

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

COMMON ORDER

All these revisions arise out of judgment of the Trial Court in C.C.No. 9 of 2007 which on appeal was confirmed by the Sessions Court in C.A.Nos.7, 8 and 10 of 2015 respectively. Against which, the present revisions are filed.



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2.Originally in this case, there are totally four accused. The petitioners are A1, A2 and A4 respectively. A3 not preferred any appeal. Since all arise out of common judgment of the Trial Court, the revisions are disposed of by a common judgment.

3.In the Trial Court, P.W.1 to P.W.47 were examined, Ex.P1 to P76, M.O.1 and M.O2 marked. The Trial Court by judgment dated 30.12.2014 convicted and sentenced all the four accused to undergo one year rigorous imprisonment each and to pay a fine of Rs.1,000/-, in default to undergo two months simple imprisonment each for the offence under Section 120B r/w. 419 IPC, two years rigorous imprisonment each and to pay a fine of Rs. 2,000/-, in default to undergo three months simple imprisonment each for the offence under Section 471 IPC and sentenced to undergo one year rigorous imprisonment each and to pay a fine of Rs.1,000/-, in default to undergo two months simple imprisonment each for the offence under Section 420 r/w. 511 IPC and the sentences to run concurrently. Against which, A1 preferred an appeal in C.A.No.7 of 2015, A2 preferred an appeal in C.A.No.8 of 2015 and A4 preferred an appeal in C.A.No.10 of 2015. All



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the appeals were dismissed on 28.02.2017 confirming the judgment of the Trial Court.

4.The background of the case is that on 10.07.2001, one Saravanan S/o. R.Kandasamy lodged a complaint with Jeeyapuram Police Station, Trichy and a road accident case was registered in Crime No.204 of 2001 against one Murugesan, who had driven the vehicle TVS 50 motorcycle in a rash and negligent manner and hit one Kandasamy on 09.07.2001 at Kulumani. Since the said Kandasamy died few days later, the case was altered to Section 304A IPC and charge sheet filed in C.C.No.108 of 2002 before the learned Judicial Magistrate No.III, Tiruchirapalli on 10.12.2001 and the case was disposed of on 23.10.2002. During that period, there was lot of fake insurance claim filed in various Courts. The Insurance Companies such as National Insurance Insurance Company and other Insurance Companies filed writ petitions before this Court seeking CBI investigation for large scale accident bogus claims preferred by various claimants based on fake/forged documents and fabricated records to substantiate their claims. This Court in W.P.Nos.7389, 39956 and 39968 of



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2005 by order dated 01.03.2006 and subsequent orders dated 08.11.2006 directed to entrust the investigation to CBI forthwith with regard to the bogus/false insurance claims. Following the same, Cr.No.300 of 2001 of Lalgudi Police Station, Cr.No.179 of 2001 of Trichy Cantonment Traffic Investigation Wing, Crime No.204 of 2001 of Jeeyapuram Police Station [present case in hand] and Crime No.1051 of 2001 of Thiruverumbur Police Station were entrusted to CBI for investigation.

5.The CBI on the directions of this Court registered FIR in RC55(A)/06:SPE:CBI:ACB:Chennai and commenced its investigation, where it came to light that on 27.08.2001 K.Subramaniam/A1, Advocate preferred a claim petition in M.C.O.P.No.2305 of 2001 on behalf of one Janaki, Latha and Saravanan, the legal heirs of deceased Kandasamy claiming compensation of Rs.4 lakhs. This false claim in M.C.O.P.No.2305 of 2001 came to light during investigation of RC34(A)/06, hence CBI approached this Court. Further, on the directions of this Court by order dated 27.11.2006, CBI took up investigation in Cr.No.204 of 2001 of Jeeyapuram Police Station and found the complexity and active role played



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by the accused in making false insurance claim. A1/Subramanian is an Advocate practicing in Trichy mainly dealing in M.C.O.P. cases, A2 is a private individual, who conspired and aided other accused in facilitating and producing false vehicle for the accident, A3 is a private individual projected himself as a person who involved in the accident and A4 is a practicing Advocate residing in the adjacent Village of the deceased Kandasamy, who on instructions from A1 conspired to cheat Insurance Company and approached the legal heirs of Kandasamy and facilitated in filing false claim with forged documents. As per the conspiracy, A2 was to arrange vehicle and driver to plead guilty, A4 would facilitate the same by producing them before the Police Station and also in filing necessary petitions before the concerned Magistrate Court and to plead guilty and close the accident case. A1 will take steps in collecting the accident case documents by filing false affidavits in the name of the deceased, collecting documents and thereafter using the same as genuine, by filing a false claim petition before the Motor Accidents Claim Tribunal.

6.In pursuant to the criminal conspiracy, A2 purchased one TVS 50



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bearing registration No.TN 45E 4116 owned by one S.Anthony Raj in the name of S.Ravikumar, a non-existing person, got the vehicle insured as third party insurance with National Insurance Company Limited. A2 pledged the RC book of the said vehicle with M/s.Selva Ganapathy Finance Limited and through them got another insurance policy in his name from United India Insurance Limited. Apart from this, A1 and A2 successfully organized and executed documents to make a claim in four road accident cases which are as follows:

- (1) A case in Crime No.300/2001 registered by Lalgudi Police Station for the accident taken place on 22.04.2001 wherein A3 was shown as Driver and the vehicle involved is TVS 50 bearing No.TN 45E 4116
- (2) A case in Crime No.179/2001 registered by Traffic Investigation Wing, Cantonment Trichy for the accident taken place on 08.06.2001 wherein A3 was shown as Driver and again the vehicle involved is TVS 50 bearing No.TN 45E 4116.
- (3) A case in Crime No.1501/2001 registered by



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Thiruverumbur Police Station for the accident taken on 13.10.2001 wherein A2 was shown as Driver and the vehicle involved is TVS 50 bearing No.TN 45E 4116.

(4) A case in Crime No.559/2001 registered by Ramji Nagar Police Station for the accident taken place on 07.12.2001 wherein one S.Anand was shown as Driver for the same vehicle TVS 50 bearing No.TN 45E 4116.

7. In all the instances, cases were registered under Sections 279, 337, 338 IPC based on the false complaints given by the injured persons on the instigation of A1. The implicated Drivers voluntarily surrendered before the Police, appeared before the Court and pleaded guilty as if they caused the accident. Subsequently, MCOP cases are filed on behalf of the injured persons, A1 handled the cases, obtained signatures of the injured persons in blank legal papers and using the same for filing MCOP petitions, filing vakalat, affidavits, etc. and arranged for medical insurance and other documents, thereby A1 to A4 actively taken part and committed the offence. The CBI on the directions of this Court took up the investigation to unravel



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the conspiracy, the active role and involvement of the accused in making false claim based on forged documents, who played fraud on the Court, thereby made huge claims as compensation from the Insurance Company.

8.The contention of the learned counsel for A1/petitioner in Crl.R.C. (MD)No.279 of 2018 is that he is a practicing Advocate filed MCOP petitions as per the instructions and proof given to him, there is no incriminating evidence against him for any conspiracy. He would submit that Crime No.204 of 2001, culminated into C.C.No.108 of 2002 which was disposed of by the learned Judicial Magistrate No.II, Tiruchirappalli on 23.10.2002 since the accused therein pleaded guilty, thereafter reopening the same case is not permissible in law. The High Court had only given direction to CBI to conduct further investigation in Crime No.204 of 2001 and once the said case disposed of, there is no question of further investigation. The Insurance Company and others suppressed the fact before this Court that Cr.No.204 of 2001 has been disposed of, thus for already concluded case there cannot be any further investigation. He further submitted that earlier, the District Crime Branch filed a case in Cr.No.18 of



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2004 for the offence under Section 420 IPC, the said case is pending and in such circumstances, there cannot be any direction to investigate Crime No. 204 of 2001 of Jeeyapuram Police Station. He further submitted that in the search conducted in the office of A1, some documents were seized which is projected against him failing to consider that A1 is sharing the office space with other Advocates and Clerks. Further, the CBI suppressed the fact that the brother of A1 who is a Financier was also sharing the same space. He further submitted that the documents recovered are unfilled forms which cannot be straightaway projected as though they were kept for filing false MCOP cases. He further submitted that A1 has withdrawn the MCOP cases filed by him after doubts were created about the genuineness of the claim. Further, the vakalat and other documents filed before the learned Judicial Magistrate No.II, Trichy seeking certified copies of documents in Cr.No. 204 of 2001 by A1 cannot be projected against the petitioner/A1 as it is the usual practice by the Advocates to collect particulars and signature through instructing Advocates or from the Clerks and thereafter file the same before the concerned Court and therefore, the petitioner had only acted with bonafide. He further submitted that the A1 is practicing in the District



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Court, Trichy for the past 22 years with an established office with reputation. The petitioner concentrates on criminal and MCOP cases and in his practice, it is engaging lawyers who used to give particulars and entrust the signed copies of the petition and necessary documents to the petitioner to file it before the appropriate Court. Except for an Omni bus charge against the petitioner, no specific incident or material is produced to show that the petitioner had cheated any of the Insurance Company by filing false claims. The Trial Court as well as the Lower Appellate Court failed to consider that the overlapping or negligence in filing such petitions might be due to the unverified instructions by the Juniors and Clerks due to inadvertence and nothing more. Hence, he prayed for setting aside the judgment of both the Courts below.

9.The contention of the learned counsel for the petitioner/A2 in Crl.R.C.(MD).No.156 of 2018 is that absolutely there is no direct evidence or any circumstances to prove that there was a conspiracy between the petitioner/A2 and A1 in this case. He would submit that both the Courts below failed to consider that none of the witnesses stated that the vehicle



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stands in the name of A2. Admittedly the two wheeler bearing registration No.TN 45E 4116 stands in the name of one S.Anthony Raj and the documents produced by the prosecution also confirms the same. The case against the petitioner/A2 is that the petitioner got two insurance policies in his favour in National Insurance Company Limited and United India Insurance Limited. Further, when the first policy was in force, the second insurance policy is for some other purpose is not proper. He further submitted that according to the prosecution, the vehicle was purchased by one Ravikumar and in the absence of examining the said Ravikumar, no case is made out against the petitioner/A2. He further submitted that both the Courts below convicted the petitioner/A2 based on the evidence of P.W. 21/Financier and Ex.P17 and there are lot of contradictions between the statement and the documents which were not considered. Hence, he prayed for setting aside the judgment of both the Courts below.

10.The contention of the learned counsel for the petitioner/A4 in Crl.R.C.(MD). No.269 of 2018 is that A4 is a practicing Advocate, the Court below failed to consider that a person cannot be charged under



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Section 471 IPC without charges of forgery under Sections 465 and 468 IPC. He would submit that both the Courts below failed to consider that no charge of forgery can be proved against the petitioner since the alleged signature in the forged documents does not tally as per the handwriting expert and hence, the offence of forgery fails. He further submitted that the charge of Section 420 IPC is not proved against the petitioner/A4. It is admitted that in the alleged forged documents of Memo of appearance, admission petition, the petitioner's signature is not available. Both the Courts below failed to consider that the original calendar case in C.C.No. 108 of 2002 in Crime No.207/2001 is disposed of even before registration of the present case by the CBI. Further, the MCOP claim petition was withdrawn even before registration of the case by the CBI. The Judicial order passed in C.C.No.108 of 2002 has not been set aside by the Appellate Court, in such circumstances conducting investigation for the same crime number is not proper. He further submitted that according to the prosecution the alleged offence committed in relation to the proceeding taken place before the Judicial Magistrate Court, if that being so, the procedure contemplated under Section 195(1)(a) of Cr.P.C. not followed.



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The case primarily against the petitioner is that the petitioner/A4 produced the vehicle TVS 50 bearing No.TN 45E 4116 and its Driver before the Jeeyapuram Police Station in connection with Crime No.204 of 2001 but there is no evidence to confirm that the petitioner had produced the vehicle and the Driver. The evidence of P.W.37/Head Constable and P.W. 41/Inspector of Police, Jeeyapuram Police Station are contradictory to each other. Further, the surrender petition, bail bond are contrary to the oral evidence of P.W.41. He further submitted that in the documents it is recorded that as though the accused was arrested in a public place, thereafter brought to the Police Station and let out on bail but there is nothing against the petitioner. Further, the Trial Court given its own reason in convicting the petitioner which is against the evidence and the Lower Appellate Court failed to look into the case independently had merely gone by the finding of the Trial Court. Hence, he prayed for setting aside the judgment of both the Courts below.

11.The learned Special Public Prosecutor submitted that on 09.07.2001 at about 7.30 p.m., one Kandasamy, the father of P.W.



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1/Saravanan met with an accident at Kulumani Village and he was admitted in KMC Hospital for treatment. This fact was informed to P.W.1 by his sister/P.W.2. On 10.07.2001, P.W.1 lodged a complaint with Jeeyapuram Police Station and he was also examined on the same day. P.W.2 informed that the offending vehicle was driven by one Murugesan belonging to neighbouring village. On 13.07.2001, the said Kandasamy was discharged against the medical advice when his health condition was bad and thereafter on his way to home, he died. The body of Kandasamy was cremated without informing the Police. P.W.3/Village Administrative Officer informed the same to Jeeyapuram Police Station by his report/Ex.P6. P.W. 2/Sister of PW.1 informed that A4 informed her that Police would register FIR against her since her father was cremated without intimating to the Police. Further, A4 informed that he would make arrangements for insurance claim through A1. A4 requested her father's particulars, his medical records and bills, P.W.2 and her mother handed over the same to him, who in turn directed P.W.2 to meet A1 at Trichy and informed that he will be the person who will conduct the insurance case. P.W.1, P.W.2 and their mother met A1 in his office, furnished the required particulars and also



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the documents needed. A1 obtained signatures in a blank legal papers from all the three and made the claim. In the meanwhile, P.W.26, Investigator of the National Insurance Company, came to the residence of P.W.2 recorded her statement and that of her mother and also taken photographs of P.W.2. P.W.32, the then Divisional Manager, National Insurance Company, Trichy lodged a complaint with the District Crime Branch that false insurance claim are being made. P.W.35, the then Sub-Inspector of Police, District Crime Branch took up the investigation and a case in DCB Cr.No.18/2004 under Section 420 IPC registered. P.W.35 examined the legal heirs of Kandasamy, namely, P.W.1, P.W.2 and their mother, gave a report/Ex.P40 and concluded that the vehicle involved in the accident was not driven by the said Murugesan and found that it was one Karuppannan who had caused the accident and further came to the conclusion that TVS 50 bearing No.TN 45E 4116 is involved in four other cases of similar nature.

12.He further submitted that in the DCB enquiry, the owner of the vehicle S.Anthony Raj was examined who confirmed that the vehicle was sold through exchange mela on 25.02.2001 and he bought a new vehicle.



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Further, it was revealed that the vehicle was purchased in the name of K.Ravikumar S/o.Sankar, during investigation it was found that no such person was available. In the meanwhile, on the directions of the High Court, P.W.46/Inspector of Police registered a case in RC 54(A)/2006 on 29.11.2006, received the case records in M.C.O.P.No.2305 of 2001, thereafter P.W.47/Inspector, CBI took up the case for investigation, examined the witnesses and during investigation it was found that P.W.5 witnessed the accident, he saw Kandasamy, who is his neighbour standing near the tea shop at Kulumani, at that time, a TVS 50 motorcycle dashed against Kandasamy, the rider of the vehicle who was found drunk escaped from the scene and the pillion rider was caught in the scene, handed over to the wife of Kandasamy and also the TVS 50 motorcycle. Later it came to know that A4 met the wife of Kandasamy, informed that a case would be registered by the Police for cremating the body of Kandasamy without informing the Police. Further, the TVS 50 motorcycle which was caught in the scene was handed over to P.W.4, Son-in-law of the said Kandasamy who was using the vehicle using number plate of his wife TN 45Q 3291, this vehicle had been seized in the above case. The other eyewitness to the



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accident is P.W.39, who saw Kandasamy being hit by TVS 50 motorcycle, the vehicle was driven by one Karuppannan who escaped from the scene, public caught the pillion rider, thereafter two or three months later the said Karuppannan was murdered by someone. He further submitted that during investigation, it was found that the original owner of TVS 50 bearing No.TN 45E 4116 S.Anthony Raj sold the vehicle in an exchange mela, the witnesses confirmed about the same and thereafter, the said vehicle registered in the name of A2/Pakkirisamy and the insurance policy also taken in his name from National Insurance Company Limited. P.W. 21/Srinivasan from M/s.Selva Ganapathy Finance Limited confirms that Pakkirisamy approached him for hypothecation and finance and later the same vehicle was insured with United India Insurance Company.

13.He further submitted that the said vehicle had been used in four other road accident cases, the vehicle is common in all the cases and the rider is common in all the four cases except one case, it is one S.Anand. The active role played by A1 instructing A4, neighbour Villager to the deceased Kandasamy to approach the legal heirs, bring them to office of A1



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for filing MCOP cases. A4 had actively taken part in producing the impersonator/A3 as the rider of the vehicle before P.W.37 and P.W.41. A2 purchased the vehicle, used the same in five cases facilitating A1. In this case, A2 stood as surety, executed documents before the Jeeyapuram Police Station, his personal details and documents were recovered. A2 and A3 are accused in other cases of similar nature. All the accused have taken part actively, conspired together and played their role in furtherance of their own object. Thereafter, charge sheet filed in Crime No.204 of 2001 in C.C.No. 108/2002, the case was pending for quite sometime, periodically adjourned, suddenly A4 files an advance hearing petition, produced the accused, pleads guilty and pays fine. Thereafter, A1 files vakalat, supporting affidavit seeking certified copies of the documents in C.C.No.108 of 2002. This supporting affidavit and vakalat are forged since it was filed in the name of Kandasamy, who is the deceased victim in this case. Thus, A1 to A4 conspired, connived, created forged documents, played fraud on the Court by producing impersonators and thereafter using those documents filed a claim petition, only after CBI registering a case, investigation commenced, fearing being caught A1 withdrawn the claim petition in M.C.O.P.No.2305



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of 2001. He further submitted that by withdrawing the claim petition would not absolve A1 from the offence.

14.He would further submit that during investigation, search was conducted in the office of A1 from which several of the signed documents, signed blank legal papers, blank documents from the hospital, financier and others were found. When the documents were verified with the concerned persons, it was proved that no such documents handed over or executed by the concerned. A1 was in the habit of filing accident claims with forged documents, A2 purchased a two wheeler and used the same not in one case but in five cases, projected the vehicle as involved in the accident and also managed to insure the vehicle with National Insurance Company Limited and United India Insurance Limited, A3 appeared before the respondent police and admitted that he is the rider of the vehicle who caused the accident. Thus, the role played by each of the accused were clearly spoken to by the witnesses with contemporary documents. He further submitted that the Trial Court by a detailed judgment discussed all the defence of the petitioners and rightly convicted the petitioners and the Lower Appellate



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Court on independent appraisal dismissed the appeal confirming the conviction passed by the Trial Court. He further submitted that the accused were not to be shown any leniency, the accused are perpetrators of crime who created forged documents in greed of money and to enrich themselves by cheating the Insurance Companies. The Insurance Act is a benevolent act created to benefit the needy who are injured or lost the breadwinners and the loved ones, as a compensatory for the treatment and the loss, insurance amount paid, the accused by filing such false claims, denied the rightful victims to get the compensation amount, on the other hand they got enriched themselves wrongfully. Hence, he prayed for dismissal of the petitions.

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



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CBI vs. 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.

16.Considering the submissions made and on perusal of the materials, it is seen that A1 is an Advocate predominantly practicing in motor accident cases, filing claim petitions before the Tribunal, A2 owner of TVS 50 motorcycle bearing No.TN 45A 4116 conspired with A1 given his vehicle to be projected as though the vehicle was involved in road accident in several cases whenever A1 file claim petitions. Likewise, A3 projected himself as the rider of the vehicle who caused the accident. A4 in this case is again an Advocate who contacted the legal heirs of Kandasamy, a threat



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was infused to them for the reason that the said Kandasamy was cremated without informing the Police since earlier, P.W.1/son of Kandasamy lodged a complaint with Jeeyapuram Police Station in Crime No.204 of 2001 for the road accident. Taking advantage of non-disclosure of TVS 50 vehicle number and the rider name, A1 instructed A4 to collect details from the legal heirs of Kandasamy, made them to sign several of the documents, thereafter used the vehicle of A2, TVS 50 motorcycle bearing No.TN 45E 4116 and projected it as the vehicle involved in the accident. A3 was projected as the rider of the vehicle. A4 produced the vehicle of A2 and the rider of the vehicle, A3 to the Jeeyapuram Police Station. P.W.37 and P.W. 41 recorded the production of the vehicle, A3 was arrested and Station bail was granted to him. A2 stood as surety, particulars furnished by A2 and A3 would very much prove that A3 was not the person who caused the accident and A2 identified A3 and also production of the fake vehicle confirmed. Thereafter, charge sheet filed in C.C.No.108 of 2002, waited for some time to lapse, A4 filed an advance hearing petition and the accused pleaded guilty. A1 filed a vakalat, supporting affidavit seeking certified copies of the documents for the purpose of filing M.C.O.P.No.2305 of 2001 before



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learned Judicial Magistrate No.III, Tiruchirapallai. The supporting affidavit of the said Kandasamy was filed by A1 on 24.10.2002 but the said Kandasamy died on 13.07.2001 which was confirmed by P.W.3/Village Administrative Officer, thus A1 knowing well about the death of Kandasamy for the purpose of motor accident claim petition, files supporting false affidavit. A1 used A2 to A4 to accomplish creation of forged documents and using the same as genuine before the Motor Accidents Claim Tribunal for the purpose of enriching themselves with the insurance money. It was one Karuppannan who was riding the TVS 50 dashed against the said Kandasamy, Murugesan was the pillion rider which was spoken to by P.W.5 and P.W.39, who are the eyewitness to the accident.

17.Further, Karuppannan, who caused the accident was drunk at the time of accident, fled away from the scene of occurrence, the pillion rider Murugesan was caught and handed over to the wife of Kandasamy along with TVS 50 which was being used by P.W.4/son-in-law of Kandasamy after removing the number plate. The falsity in the case of A1 was proved



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by the evidence of P.W.1, P.W.2, P.W.3, P.W.4, P.W.5 and P.W.39. The vehicle of S.Anthony Raj was purchased by A2, used the said vehicle TVS 50 bearing No.TN 45E 4116 for projecting false case by A2 is confirmed. A3 is not the rider of the vehicle, he projects himself as Karuppannan and as the driver of the vehicle is also confirmed and the active role played by A4 immediately after cremation of the deceased Kandasamy is spoken to by the legal heirs of Kandasamy and others. The act of the accused herein is nothing but fraud, suppression of facts, false particulars provided by them before the authorities as well as before the Court of law. The suppression of facts, deliberate fraud played and thereby benefited out of the same cannot be a obstacle and the perpetrators of the fraud cannot claim benefit of the same. Hence, the petitioners' contention that Cr.No.204 of 2001 culminated in C.C.No.108 of 2002 which was disposed of cannot be reopened will not hold good. Added to it, the Trial Court rightly held that on the directions of the High Court, for the purpose of finding out bogus claims made by certain of the people for greed of money to cheat the Insurance Companies and others by projecting false claims by impersonation, using forged vehicles to be unearthed, eradicate the illegal claims and to stop misuse of the



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benevolent provision of Insurance Act, the High Court ordered investigation. Based on the orders of High Court case in RC.55(A)/2006 registered by CBI, during investigation particulars of case in Crime No.204 of 2001 was unearthed. Further, it is proved from the evidence of witness and documents produced that the accused had played fraud, produced forged documents and managed some orders earlier. It is settled position that any order obtained by fraud is non-est in the eye of law. In view of the same, CBI registering a case and investigating the same is proper. As regards the conspiracy, from the evidence it is clear that A1 to A4 conspired together in a well orchestrated manner to cheat the Insurance Company by producing forged documents. Further, since the Trial Court had given a well reasoned and detailed judgment in elaborate, discussing all the aspects, addressing all the points raised by the petitioners and the Lower Appellate Court confirmed the same, this Court finds no reason in interfering with the well reasoned judgment of the Trial Court confirmed by the Appellate Court. In view of the same, this Court is not inclined to entertain this petition. Hence, the Criminal Revision Petitions are dismissed confirming the conviction and sentence of the Trial Court in judgment dated 30.12.2014



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in C.C.No.9 of 2007. The Trial Court to issue warrant and secure the accused for undergoing their sentence.

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Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
SPE, CBI, ACB, Chennai.
- 2.The II Additional District and Sessions Judge,
Tiruchirappalli.
- 3.The Chief Judicial Magistrate,
Tiruchirappalli.



WEB COPY



*Crl.R.C.(MD)Nos.279 & 269 of 2018
and 156 of 2019*

M.NIRMAL KUMAR, J.

cse

Pre-delivery order made in

**Crl.R.C.(MD)Nos.279 & 269 of 2018
and 156 of 2019**

10.11.2022