



Crl.R.C.(MD)Nos.280 & 281 of 2018 and 64 of 2019

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

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**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.280 & 281 of 2018 and 64 of 2019**

S.Anand

... Petitioner/A-3 in  
Crl.R.C.(MD).No.280/2018

K.Subramanian @ A.K.Subbu

... Petitioner/A-1 in  
Crl.R.C.(MD)No.281/2018

Pakkirisamy

... Petitioner/A-2 in  
Crl.R.C.(MD).No.64/2019

**Vs.**

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

... Respondent  
in all revisions

**COMMON PRAYER:** Criminal Revision Petitions filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records relating to the judgment made in C.A.Nos.8 & 15 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.6 of 2007 dated 30.12.2013 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli and set aside the same.



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For Petitioner in  
Crl.R.C.(MD).No.280/2018 : Mr.M.Ramesh

For Petitioner in  
Crl.R.C.(MD).No.281/2018 : Mr.C.Muthusavaranan

For Petitioner in  
Crl.R.C.(MD).No.64/2019 : Mr.R.Maheswaran

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

### **COMMON ORDER**

These Criminal Revisions arise out of judgment from the common Calender Case in C.C.No.6 of 2007.

2. The petitioner in Crl.R.C.No.281 of 2018 is A-1, petitioner in Crl.R.C.No.64 of 2019 is A-2 and petitioner in Crl.R.C.No.280 of 2018 is A-3. There are totally three accused in this case. All the accused were convicted in C.C.No.6 of 2007 by a judgment of Chief Judicial Magistrate, Tiruchirappalli dated 31.12.2013.

3. The petitioner/A-1 filed an appeal in Crl.A.No.15 of 2014 and petitioners/A-2 & A-3 filed an appeal in Crl.A.No.8 of 2014. The II



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Additional District and Sessions Judge, Tiruchirappalli, by a 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 31 witnesses examined as P.W.1 to P.W.31 and marked 61 documents as Exs.P1 to P61. On the side of the defence, no witnesses or exhibits marked.

5. The gist of the case is that P.W.1/Henry lodged a complaint on 09.12.2001 with the Ramji Nagar Police Station, Tiruchirappalli and a case in Crime No.559 of 2001 for offence under Sections 279 and 338 I.P.C. registered.

6. The complaint is that on 07.12.2001, when the de-facto complainant standing at Manikandam Panchayat Union Bus stop, a two wheeler bearing No.TN 45 E 4116 came in a rash and negligent manner and dashed against him, due to which, his left hand injured and fractured. The Ramji Nagar Police conducted investigation, filed charge sheet against A-3/Anand before the Judicial Magistrate, Tiruchirappalli. A-3 pleaded guilty and paid the fine



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amount. Thereafter, A-1/K.Subramanian, an Advocate, filed a Motor Accident Claim Petition in M.C.O.P.No.755 of 2002 before the Motor Accident Claims Tribunal against the National Insurance company, claiming compensation of Rs.2,00,000/- for the injury sustained by the said Henry. The CBI, Chennai was investigating a case in RC 34(A) 2006, at that time it came to the notice that claim petitions filed with false particulars and forged documents including the above case in Crime No.559 of 2001 came to light. In the meanwhile, the Insurance Company investigator found that many of the claim petitions were filed with false particulars substituting the claimants/beneficiaries, vehicles and in some cases accidental fall and injury have been projected as though road accident cases.

7. There were 5 incidents in Tiruchirappalli District alone. (i) Crime No.179 of 2001 has been registered by Traffic Investigation Wing, Contonment Tiruchirappalli, (ii) Crime No.204 of 2001 has been registered by Jeeyapuram Police Station, (iii) Crime No.1051 of 2001 has been registered by Thiruverumbur Police Station and (iv) Crime No.300 of 2001 has been registered by Lalgudi Police Station. Thus including this case there have been five cases projected. In all these five cases, the vehicle TN 45 E 4116 shown to be involved in an accident and the rider in three of the cases



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is M.Karunanidhi and in two other cases Pakkirisamy and Anand. A-1 filed the compensation petition and A-2 projected his TVS Champ bearing No.TN 45 E 4116 as the vehicle involved in the accident. A-3 rider of the TVS Champ and after registration of the case, voluntarily surrender before the concerned police along with vehicle, produce documents and later pleaded guilty, paid the fine amount. On the strength of the same, claims petition filed. The Insurance Company finding that several of the persons were involved in the offence and other agencies involved in conspiracy of cheating, filed a writ petitions before this Court in W.P.Nos.39956 of 2005 etc. batch. This Court directed CBI to conduct investigation with regard to the false and fake 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 0034 dated 02.08.2006, conducted investigation. During investigation, the false claim using fake documents unearthed. The role of the petitioners and Henry were confirmed. During investigation, Henry given 164 statement and turned as approver. Thereafter, final report filed. The trial Court on the witnesses and documents produced, convicted the petitioners and sentenced to undergo 6 months simple imprisonment for the offence under Sections 120-B r/w 182 I.P.C., 2 years simple imprisonment for the offence under Sections 468 r/w 471 I.P.C. and imposed a fine of Rs.2,000/- to each of the



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accused, in default to undergo three months simple imprisonment and 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 background of the case is that A-1/K.Subramanian is an Advocate, who predominantly practicing Motor Accident Claims cases. A-2/V.Pakkirisamy is a Railway Employee, known to A-1. A-3/Anand is nephew of A-1. A-1 and A-2 entered into a conspiracy. As per the conspiracy A-2 was 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 injury sustained in road traffic accident. It was the role 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 projected as 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, A-1 and A-2 conspired with other persons, filed claim petitions in Tiruchirappalli for



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road accident cases. P.W.1/Henry was working as part time turner in Manjamalayan Industries. On 24.11.2001 at about 6.00 p.m., while he was working, an iron rod come out of the machinery, hit him on his left shoulder. Thereafter he took some local medicine. Since the pain sustained, On 27.11.2001, he went to Government Hospital, Tiruchirappalli, informed that he sustained injury while working at Manjamalayan Industries and got himself admitted in the casualty. The Accident Register recorded for the same reason. Since, it is a Medico Legal Case, the admission of Henry was informed to the Police. The Town Police came and enquired with Henry. He was not interested to proceed against his employer, hence, no case was registered. On 04.12.2001, he was discharged with some medical advise. During his stay at hospital, one Abdul Rahuman, claiming to be an agent of A-1 informed Henry that A-1 would provide him all medical facilities and also get him compensation, if he agrees to lodge a road accident complaint. Henry was not interested. On 06.12.2001, A-1 gone to Henry's house and convinced Henry to cooperate with A-1 in lodging a police complaint and to file claim petition. Since pain got aggravated, Henry needed medical help. Hence, as per the advise of A-1, on 07.12.2001, Henry went to Arjun Hospital, informed that he met with road accident on 07.12.2001 at about 7.40 p.m. and he was hit by a two wheeler bearing No.TN 45 E 4116. From



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the Arjun Hospital information was sent to Ramji Nagar Police Station, who came their, recorded the complaint of Henry, thereafter F.I.R. registered.

10. One Vijayakumar, Head Constable initially registered the case and investigated. Later, one Murugaiyan, Sub Inspector of Police continued the investigation. At that time, A-3 Anand, who is the relative of A-1 appeared before the Ramji Nagar Police Station along with two wheeler TN 45 E 4116 and its documents, confessed his involvement and the vehicle in the accident, produced the vehicle and submitted documents. Thereafter, he was shown arrest, vehicle was sent to the Motor Vehicle Inspector and on conclusion of investigation, charge sheet filed for the offence under Sections 279, 337, 338 before the learned Judicial Magistrate No.I, Tiruchirappalli. On 30.07.2002, A-3/Anand pleaded guilty and paid the fine amount. As per the plan, A-1 filed a claim petition in M.C.O.P.No.755 of 2002 claiming compensation of Rs.2,00,000/-, signatures obtained from Henry, who appeared before the Claims Tribunal, filed his affidavit in support of his claim. Thereafter, an associate of A-1 approached Henry and informed him to withdraw the claim petition otherwise he will be troubled. Hence, Henry filed an affidavit on 23.08.2006 withdrawing the accident claim. Recording the same, the claim petition was dismissed. As per the directions of this Court, CBI taken up



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investigation, recorded statement of witnesses and Henry was enquired.

Henry admitted his guilt and informed that he was willing to give statement before the learned Judicial Magistrate disclosing true facts. Thereafter, 164 statement recorded. During investigation, the conspiracy between A-1 to A-3 in cheating the Insurance Company by filing false claim using the vehicle of A-2, revealed. Originally, the vehicle was purchased by one Anthony Raj and later he exchanged the vehicle in an Exchange Mela, and vehicle was shown to be sold to one Ravikumar of Peravoorani, a fictitious person. The vehicle and document was in possession of A-2, who raised loan using the documents, produce the vehicle in the road accident cases. In this case, A-3 is the nephew of A1, who voluntarily surrendered and confessed that he dashed against the said Henry. The conspiracy and falsehood have been revealed by examination of witnesses and collection of documents and thereafter charge sheet filed before the concerned Court. The trial Court on the evidence and documents produced, by a detailed judgment, convicted the accused, against which, they preferred an appeal. The appeals got dismissed confirming the trial Court judgment.

11. The contention of the petitioner/A-1 is that he is a practicing Advocate in Tiruchirappalli, predominantly filing Motor Accident Claims



cases. As regards this case, P.W.1/Henry approached the petitioner/A-1 and sought for compensation and produced documents. On the instructions of P.W.1, claim petition filed along with documents. Thereafter, P.W.1 appeared before the trial Court, confirmed the same in his affidavit. For the reasons best known, now he had turn around and made false allegations against A-1 as though he met him in his residence and on his compulsion, P.W.1 went to the Doctor and got admitted in the hospital and thereafter road accident case registered in Crime No.599 of 2001, which are falsehood. After filing of the claim petition, P.W.1 approached A-1 and submitted that Police and Insurance Company personnels are forcing and threatening him to withdraw the complaint. Hence, the claim petition was withdrawn. Further, the petitioner/A-1 has got nothing to do with the other accused. Normally, advocate or advocate clerk's refer cases, hand over documents to the petitioner/A-1 to file accident claim petitions and on their instructions he files claim petitions. It is the usual practice, which is followed 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 had been convicted merely on surmises and conjectures.



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12. The petitioner/A-2 submitted that the vehicle TVS Champ TN 45 E 4116 is in the name of one S.Anthony Raj and the petitioner is not the owner of the vehicle. There is no material to connect the petitioner, had conspired with the other accused. There are witnesses and evidence to show that the above vehicle was purchased by Anthony Raj, who thereafter exchanged his vehicle on 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 one from National Insurance Company and another from United India Insurance Company, while the 1<sup>st</sup> insurance policy was still in force with National Insurance Company. It is not required to have second insurance for the same period. The petitioner has also projected as though he has 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 have assurance to the victims that adequate compensation would be obtained



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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 convicted.

13. The petitioner/A-3 submitted that none of the witnesses stated anything against him. There is no iota of material to show that A-3 conspired with other two accused in any manner. A-3 not signed or created any documents in this case. Hence, the question of forgery or using of forged documents and cheating would not arise. The vital contradictions and discrepancies in the case has not been considered by the trial Court as well as the Lower Appellate Court. Hence, the learned counsels prayed to set aside the judgment dated 28.02.2017.

14. Learned Special Public Prosecutor appearing for the respondent submitted that all the accused joined together conspired and committed the offence. In this case, P.W.1 is the approver, who had been with the other accused through and through. Later, good sense prevailed and he confessed about the entire happenings. No cross examination has been made on the material aspects with the accomplice. P.W.1's evidence alone is sufficient to



convict the accused. A-1 an Advocate gone to the extent of sending agents to various hospitals to canvass and give assurance that Motor Accident Claim Petitions can be filed and the injured can be adequately compensated. This compensation amount would be shared among the conspirators. P.W.1 in this case, initially resisted the sugar coated words of Agent, Abdul Rahuman. Thereafter, took treatment in the Government Hospital, Tiruchirappalli by disclosing the true and correct particulars. He took treatment as inpatient from 27.11.2001 till 04.12.2001. Thereafter, got discharged. At that time, A-1 himself visited P.W.1/Henry's house on 06.12.2001, convinced him with a promise that his medical expenses would be taken care and he would be compensated properly, if he toes the line of A-1. Thereafter, A-1 taken P.W.1 to Arjun Hospital. From the Arjun Hospital, information sent to the Ramji Nagar Police Station, who came there and recorded statement. At that time, as instigated by A-1, P.W.1 narrated accident story as though he was met with an accident on 07.12.2001 and sustained injuries.

14.1. On the statement of P.W.1, F.I.R. recorded by Ramji Nagar Police, who registered a case and was in the process of collecting evidence, at that time, A-3 relative of A-1, appeared before the Ramji Nagar Police Station, confessed about the accident as though he was the rider of two



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wheeler bearing No.TN 45 E 4116 of A-2 and produced the vehicle and the documents of the vehicle and his personal documents. Thereafter, he was shown arrest and let out on bail. On conclusion of investigation, charge sheet filed. As per the plan, A-3 pleaded guilty and paid the fine amount. Using the same, A-1 filed claim petition before the Motor Accident Claims Tribunal, Tiruchirappalli. Taking advantage of P.W.1's position, prepared false affidavit, petition and filed the same before the Tribunal and also let in evidence. Later when the CBI took drastic steps in finding out the fake insurance claim, P.W.1 was asked to withdraw the claim petition and the same was withdrawn and the claim petition disposed. Though no claim amount was paid, the act of A-1 to A-3 by creating false documents projected a false case, substituted the vehicle of the accused and also projected the industrial injury into an road accident case, filing a claim petition are not stray incidents, it is a well orchestrated crime committed by all the accused, which needs appropriate punishment. The trial Court on the evidence of the witnesses produced, given a detailed finding and rightly convicted the accused. The Lower Appellate Court dismissed the appeals confirming the judgment of the trial Court. Having suffered two concurrent judgments, now filed these petitions for the points, which had been earlier raised and dealt with.



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14.2. 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. 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.

15. 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.



16. Considering the submissions and on a perusal of material, it is seen that P.W.1, Lathe Machine Operator sustained injury at his work spot on 24.11.2001. Thereafter, he had taken indigenous medicine for 2 days. Since pain failed to subside, on 27.11.2001, he visited Government Hospital, Tiruchirappalli, informed about the accident, injury sustained while at his work. Thereafter, he was treated by P.W.2 and P.W.3, who recorded Accident Register and issued wound certificate. In the Accident Register, it is clearly mentioned that the place of occurrence is within the Lathe work shop and thereafter, he was discharged on 04.12.2001 to continue treatment as outpatient. During the period of treatment as inpatient, one Abdul Rahuman, agent of A-1 came to the hospital, informed P.W.1 that he would be adequately compensated, further medical care would be provided, if he toes the line of A-1 by giving a complaint as though he sustained injury by road accident and file a claim petition. P.W.1 resisted the same.

17. On 06.12.2001, A-1 gone to the P.W.1's house, informed that P.W.1 need not worry about the expenses or any other aspects. A-1 would take all steps by providing him medical expenses by filing a petition before the Motor Accident Tribunal. A-1 took P.W.1 to the Arjun Hospital on 07.12.2001, where P.W.1 was given medical treatment. At that time, P.W.1



informed that while he was standing near the bus stop, a two wheeler bearing No.TN 45 E 4116 came in a rash and negligent manner and dashed against him and he sustained injury. P.W.1 treated as inpatient. From the hospital, information sent to the Ramji Nagar Police Station, who came there, enquired and recorded his statement. When the investigation was in progress, A-3 voluntarily appeared before the Ramji Nagar Police Station, confessed his involvement in the accident and produced vehicle and its documents. The Ramji Nagar Police after recording their statement, collected documents and filed charge sheet in this case. As per the plan, A-3 pleaded guilty. Thereafter, the claim petition was prepared by A-1. As usual A-2 given the vehicle TVS 45 E 4116, which was in his possession, though it stands in the name of Anthony Raj. In all other aspects, the vehicle and its documents were with A-2. This is spoken to by M/s. Siraj Agencies, who sold the vehicle to Anthony Raj and M/s.PLA Agencies, who conducted Exchange Mela from whom, the vehicle reached the hands of A-2. A-2 using the vehicle and documents availed hypothecation loan. During hypothecation, he produced vehicle documents and his personal documents.

18. The clerk of A-1 confirms that A-2 used to visit the office of A-1.

P.W.13, P.W.17, P.W.18, P.W.20 and P.W.23 confirmed the same. The



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handwriting expert/P.W.28 confirms the filing of false documents. The accused A-1 to A-3 and P.W.1 conspired together in projecting a false case, created documents and thereafter using the same, filed a claim petition. P.W.1 confirms that injury sustained is only on 24.11.2001 and not on 07.12.2001. The injury sustained on 24.11.2001 is an industrial accident injury, while at work in the Lathe Workshop and not road accident injury projected to have taken place on 07.12.2001. Thus falsification with cogent oral and documentary evidence proved. The trial Court on the statement of witnesses and the documents produced, by a detailed, well reasoned judgment, convicted the accused. The Lower Appellate Court confirmed the same. This Court finds no reason to interfere with these judgments.

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

10.11.2022

Index: Yes/No  
Internet: Yes/No  
Speaking/Non speaking order  
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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.280 & 281 of 2018 and 64 of 2019**

**10.11.2022**