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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	22.04.2022
DELIVERED ON	10.06.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.M.P (MD) No.10833 of 2021

in

C.R.P. (MD) No.1239 of 2021

Rajasekaran ...Petitioner/Respondent

Vs.

P.Rajendran ...Respondent/Revision Petitioner

PRAYER: Civil Miscellaneous Petition filed under Section 151 of Civil Procedure Code, to initiate appropriate proceedings against the respondent/revision petitioner herein for committing fraud on Court by filing fabricated medical records.

Prayer in CRP(MD).No. 1239 of 2021:

This Civil Revision Petition is filed under article 227 of Constitution of India praying this court to set aside the order and decreetal order dated 22.01.2021 made in I.A.No.10 of 2020 in RCOP.No.13 of 2018 dt.22.01.2021 on the file of the Principal District Munsif Court,Dindigul by allowing the Civil Revision Petition and pass such further or other orders as this Hon`ble Court may deem fit and proper in the circumstances of the case and thus render justice.

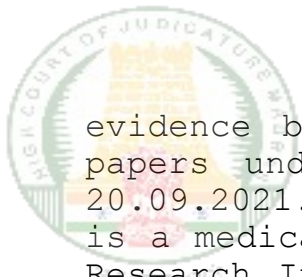
For Petitioner	:Mr.K.R.Laxman
For Respondent	:Mr.S.Rengasamy

ORDER

The Civil Miscellaneous Petition has been filed to initiate appropriate proceedings against the respondent/petitioner for committing fraud on court by filing fabricated medical record.

2.Heard on the side of the petitioner.

3.It is stated in the affidavit filed in support of the petitioner that to initiate action against the respondent herein as contemplated under Section 340 of the Criminal Procedure Code, read with Section 195 of the Criminal Procedure Code, in the light of the fact that the revision petitioner has filed a fabricated false



evidence before this Court by way of an additional typed set of papers under U.S.R.No.20934 of 2021, dated 20.09.2021, filed on 20.09.2021. It is further stated that the fabricated false evidence is a medical record issued by Velammal Medical College Hospital and Research Institute, to the effect that the revision petitioner got admitted in the said Hospital on 09.08.2019 and got discharged on 20.08.2019, under Admission No.201806270026. He has tampered the actual date of admission which was 27.06.2018, as 09.08.2019. Similarly, he has tampered actual date of discharge, which was 07.07.2018 as 20.08.2019. The said detail was confirmed by the petitioner from the Velammal Medical College Hospital and Research Institute, wherein a letter dated 11.12.2021 addressed to the petitioner by the said Hospital clearly demonstrate the criminal fraudulent Act of the revision petitioner in fabricating the medical records.

3.The respondent herein/revision petitioner has filed C.R.P. (MD) No.1239 of 2021 to set aside order in I.A.No.10 of 2020 in RCOP No.13 of 2018 and the said petition was filed to condone delay of 184 days in set aside exparte order the same was dismissed by Rent Control Court.

4.The said Civil Revision Petition was also dismissed on 21.09.2021 on the ground that no document was filed to prove the reason for non-appearance. But on 20.09.2021 the revision petitioner has filed one medical record, which was not put up by the Registry in bundle, returned on 24.09.2021 as already Civil Revision Petition was disposed.

5.The document is a medical record which was issued from Velammal Hospital. But this petitioner got RTI from Velammal Hospital that they have not issued the said certificate. So, the present petition has been filed to punish the revision petitioner.

6.The plea taken by the respondent is that the document not at all placed before the Judge for consideration. So, the offence is not made out.

7.Even if it is not considered the production of fabricated document before the Court itself is an offence.

8.As per Section 195(1)(b)(ii) of the Code of Criminal Procedure, prima facie the offence comes under Section 463 of IPC. The revision petitioner has produced the document in support of his claim. So, this Court is inclined to refer the matter to the concerned jurisdictional Magistrate.

9.Finally, this Civil Miscellaneous Petition is allowed. The matter is referred to the concerned learned **(*)Judicial Magistrate No.VI, Madurai** to take further action. The learned Judicial



Magistrate is further directed to issue notice on either side and decide the matter on merits without influencing the findings of this Court.

Sd/-

Assistant Registrar(CO)

(*) Corrected as per the order of this Court dated 21/07/2022 made in C.M.P. (MD) No.10833 of 2021 in C.R.P. (MD) No.1239 of 2021

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar(CS)

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To

(*) To be substituted to the order already despatched on 24/06/2022

1. The Principal District Munsif,
Dindigul.
2. The Chief Judicial Magistrate, Dindigul.
3. The Judicial Magistrate No.VI, Madurai

C.M.P. (MD) No.10833 of 2021
in
C.R.P. (MD) No.1239 of 2021
10.06.2022

SRR (CO)

KB (21.06.2022) 3P 2C

RD (27/07/2022) 3P 4C