



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 7677 of 2022

& CrI.MP. No. 4400 & 4401 of 2022

1 A.PAUL VINCENT

PETITIONER

Vs

1 THE STATE REPRESENT BY
THE INSPECTOR OF POLICE CENTRAL CRIME
BRANCH FORGERY WING TEAM-27A VEPERY
CHENNAI-7.

...Respondents

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to Call for the records in C.C.No.9624 of 2021 on the file of the Hon`ble CCB/CBCID Court Egmore the quash the same as against the petitioner.

For petitioner : Mr.C.R.Malarvannan

For R1 : Mr. S.Vinoth Kumar, Govt.

Advocate



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ORDER

The petitioner herein filed this petition to Call for the records in C.C.No.9624 of 2021 on the file of the CCB/CBCID Court Egmore the quash the same as against the petitioner.

2. The case of the prosecution is that the Madras Medical College had enrolled the students for Nursing training for the academic year 2006-07. While applying for the course, the student have attested their higher secondary certificate, Mark Sheet and the community certificate along with the application. After the verification of those details, admission letter were issued. On verification by the Department of Examination, the Mark sheets of 12 students have been found to be forged. Hence, the director of examination recommended to take action against those 13 students. Accordingly, FIR in crime No. 623 of 2010 was registered by the respondent police. After completing the investigation, charge sheet has been filed before the Trial Court and the same has been taken on file in C.C No. 9624 of 2021.

3. Heard both sides.

4. The learned counsel for the petitioner submits that statement of



witness would shows that there are three set of witness, each set attributing allegation in respect of one accused. LW2 Janarthanan, LW3 Venkadesan, LW4 Perumal, LW5 Kumar and LW6 Arumugam would say that they me the first accused Sampath gave Rs.50,000/- each to him. LW7 Rajendran, LW8 Sivagami, LW9 Anbu and LW10 Saroja make allegation against second accused Tamil Selvam. LW13 Poongudi and LW`4 Pattamall would say that they met the third accused Paul Vincent and gave money. All the above said transactions are not inter connected or having a common plan. Hence, the allegation against each of the accused are independent of each other and they are not forming part of same transaction. Hence, the charges against each of the accused cannot be clubbed together. As per the Section 223 of Cr.P.C the following persons may be charged and tried together.

5. Further he submitted that the real beneficiary of the crime alleged are the students who have enrolled for course, completed the courses and got well placed in the Government Job. But they claimed innocence about the alleged crime. Accepting the statement plainly and without any investigation, the investigating officer has filed the final report against the petitioner/A3. Further, he submitted that the except oral statement of the witnesses there



are no materials against the petitioners, hence even if the allegations are taken as true, the chance for conviction on the basis of those oral statements alone without any supporting material, are bleak. Hence, he prays to quash the final report.

6. The learned Government Advocate raised strong objection stating that the after investigation the respondent police filed the final report wherein there is a prime facie material against the petitioner for the alleged offence. Hence, he prays to dismiss this petition.

7. Considering the submissions on either side and also on perusal of records, it reveals that Madras Medical College had enrolled the students for Nursing training for the academic year 2006-07. While applying for the course, the student have attested their higher secondary certificate, Mark Sheets and the community certificates along with the application. After the verification of those details, admission letter were issued. On verification by the Department of Examination, the Mark sheets of 12 students have been found to be forged. Hence, the director of examination recommended to take action against those 13 students. Based on the complaint FIR has been registered and the final report also filed after investigation. The contention of the petitioner is that the allegation against each of the accused are



independent of each other and they are not forming part of same transaction, but that cannot be decide at this stage. It is a matter for trial. Hence, the liberty is granted to the petitioner work out his remedy before the trial Court. I am not inclined to quash the final report.

8. In the result, this petition is dismissed. No Costs. Consequentially connected miscellaneous petitions are closed.

10.01.2024

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To
The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.



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