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CRL RC No. 2128 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL RC No. 2128 of 2025

& Crl MP No.19783 of 2025

1. Prema Gnanaprakasam,
W/o.Gnanaprakasam,
Former Village President,
M.P.Agaram Village Panchayat,
Cuddalore District.
Residing at:
Main Road, Kuttiyankupam Village,
Manamedu Post,
Cuddalore Taluk and District.

Petitioner(s)

Vs

1. The Inspector of Police,
Vigilance and Anti -Corruption,
Cuddalore.
Cr.No.1/2015.

Respondent(s)

PRAYER

This petition has been filed seeking to set aside the order dt. 09.10.2024 made in Crl.M.P.No.637 of 2019 in Spl.Case No.13 of 2019 on the file of Chief



Judicial Magistrate, Cuddalore and to allow the above Criminal Revision Case.

For Petitioner(s): Mr.C.Prabakaran

For Respondent(s): Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

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ORDER

This petition has been filed seeking to set aside the order dt. 09.10.2024 made in CrI.M.P.No.637 of 2019 in Spl.Case No.13 of 2019 on the file of Chief Judicial Magistrate, Cuddalore and to allow the above Criminal Revision Case.

2.The petitioner/A1 in Special Case no.13 of 2019 charged for the alleged offences under Sections 167, 471, 420 and 409 of IPC and also u/s.13(2) r/w. 13(1)(c) of the Prevention of Corruption Act 1988 r/w.109 of IPC, has filed a discharge petition before the trial Court in CrI.M.P.No.637 of 2019. The trial Court, by order dated 09.10.2024, dismissed the discharge petition. Against which, the present revision case.

3.The case of the prosecution is that during the period between



08.04.2009 and 05.11.2009, A2 and A3 had prepared incorrect records to get the amount sanctioned under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). The forged muster roll has been prepared and huge sums have been got sanctioned from the BDO. Thereafter, the amount has been credited to the account of Panchayat and the petitioner was the authorised person to handle the bank account and sign the cheques and thereafter, the amount had been withdrawn and paid to only few of the beneficiaries and not to all the persons, whose names have been recorded in the muster roll. Hence with forged documents, muster roll has been prepared with active connivance of A2 and A3. A2 is the Panchayat Clerk and A3 is the Makkal Nala Paniyalar/facilitator. By listing 77 witnesses' statements and 108 documents, a charge sheet has been filed against the petitioner and other accused.

4.The learned counsel for the petitioner submitted that the petitioner is a lady and she was the Panchayat President for one period in M.P.Agaram Panchayat. She is residing at a distant place and as Panchayat President, she



used to visit the Panchayat Office and sign the documents and ledgers by keeping trust on the employees and she has little knowledge since she is not well educated. Whatever documents were specifically signed by her, were forwarded through the Panchayat Secretary to the BDO, who, in his office scrutinises the entire documents submitted and thereafter, independently approve the proposals sent to the Panchayat. In this case, the BDO, during the relevant period, had approved and thereafter only, the amounts have been transferred. Now for some reason, the petitioner has been targeted and projected as though the petitioner in collusion with A2 and A3, has created forged documents. In fact, the petitioner's specific contention is that her signature itself has been forged and she has not signed the said documents, which are projected as if signed by her. The petitioner has been made as a scape- goat in this case.

5.The learned Additional Public Prosecutor would submit that in this case the petitioner had signed the muster roll prepared and submitted to the BDO Office and thereafter, the payments have been released and the amounts have



been credited to the Bank account of the Panchayat. The petitioner as a Panchayat President, has signed the cheques and received the amounts credited under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) and thereafter, created acknowledgements as though the amount has been paid to all the beneficiaries, whose names are found in the muster roll. During investigation, it is found that the names of the several persons are imaginary, no such person is available and muster roll has been intricate and prepared with false entries. The petitioner, apart from the other offences is also charged for the offence of misappropriation. The endorsement has been proved and it is for the petitioner to prove the disbursement was proper. In this case, the petitioner's contention cannot be decided at this stage. The petitioner's contention has to be decided during trial since the petitioner is so particular that her signature forged. It is for the petitioner to approach the trial Court and seek handwriting expert's view. He further submitted that the specimen signature and thumb impression of the petitioner collected and sent for forensic examination. Apart from this, 1685 beneficiaries' signatures and thumb impressions have also been collected and the officials from the Panchayat



Department and also from the BDO office arrived and confirmed that there have been misappropriation and foul play in preparation of the muster roll. The trial Court based on the materials, has rightly dismissed the discharge petition. Further, at this stage, it is only to find out whether the *prima facie* materials are there to proceed against the petitioner and not to consider whether it leads to conviction. Since the *Prima facie* materials are available and the trial Court has rightly dismissed the petition.

6. Considering the submissions made and the materials available on record, the petitioner's contention is factual in nature, which has to be decided by the trial Court and the same cannot be probed in a discharge petition. The respondent produced sufficient materials by way of witnesses' statements and documents. It is seen that there are *prima facie* materials to proceed against the petitioner. It is for the petitioner to raise all the grounds at the time of trial, which cannot be decided now at this stage. Hence, this revision case is dismissed. Consequently, connected miscellaneous petition is closed.



7. At this stage, the learned counsel for the petitioner submitted that the petitioner is a senior citizen and aged about 63 years with health ailments, she has to travel several kilometres to appear before the trial Court, hence, sought for exemption as regards her presence.

8. If the petitioner files an appropriate petition before the trial Court giving reason and materials, for dispensing with her personal appearance and with undertaking that she will not dispute her identity while recording of evidence in her absence, the same may be considered by the trial Court positively.

10-11-2025

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Index:Yes/No

Neutral Citation:Yes/No



To

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1.The Chief Judicial Magistrate, Cuddalore.

2.The Inspector of Police,
Vigilance and Anti Corruption,
Cuddalore.

Cr.No.1/2015.



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M.NIRMAL KUMAR, J.
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