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CRL RC No. 111 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 111 of 2024

1. M.Ravi

S/o.Munuswamy, No.4/19, Muthumari
amman Koil Street, Old Washermanpet,
Chennai - 600 021.

Petitioner(s)

Vs

1. Sub Inspector of Police, (CRIME)
G-3, Kilpauk Police Station, Kilpauk,
Chennai - 600 010. CRIME
NO.1214/2005

Respondent(s)

PRAYER

Criminal Revision case filed under Section 397 r/w Section 401 Code of Criminal Procedure, prays to set aside the Judgment of Conviction imposed in C.A.No.296 of 2022 on the file of the XXII nd Additional Sessions Judge, City Civil Court, Chennai dated 04.09.2023 confirming the Judgment in C.C.No.2124 of 2007 on the file of the II nd Metropolitan Magistrate Court, Egmore, Chennai, dated 03.10.2022 and thus render justice.

For Petitioner(s): T.Muruganantham

For Respondent(s): Dr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

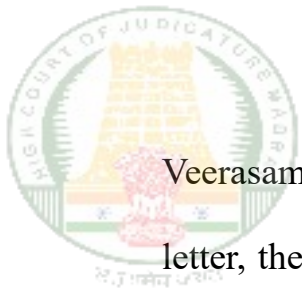


The petitioner has filed this Revision to set aside the Judgment of Conviction imposed in C.A.No.296 of 2022 on the file of the XXII Additional Sessions Judge, City Civil Court, Chennai dated 04.09.2023 confirming the Judgment in C.C.No.2124 of 2007 on the file of the II Metropolitan Magistrate Court, Egmore, Chennai, dated 03.10.2022.

2. Challenging the impugned order passed by the Trial Judge, the petitioner has raised the following grounds:

(i) The fact of the case that the A-1 and A-2 worked in Kilpauk womens consumer Co-op stores, kilpauk, Chennai as person for weighing mission in consumer foods etc., from 1992 as daily wages basis. The said Co-op store comes under the Co-op department and managed by Registrar and Assistant Registrars. The said society comes undertaken by the government of Tamilnadu. Further on 2005, The Co-op societies call the VIII th Standard pass is the qualification in above weighing job. In this regard the A-1 submitted the bogus document of said 8th standard. Thereafter on end of 2005, the said bogus document came to know by the administration department and case registered in above said crime Number.

(ii). The complainant of PW-1 Stated in the chief statement of trial that the qualification of VIII th Standard passes is the appointment for of weighing job. Further, he stated that the Accused submitted the discontinuation certificate of VIII th standard. He stated that Exhibit P-3 is a complaint letter from Mr

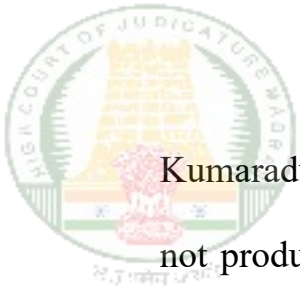


Veerasamy. The said letter is without Veeraswamy's signature. On based this letter, the enquiry officer appointed by sub-registrar co-operative societies. The Accused/appellant gives a confession statement before said enquiry officer. Which is Exhibit P-13.

(iii). Further in his cross-examination, the Accused/Appellant was appointed in Egmore women's co-operative society by Mr. Kumaradurai who is the sub-registrar and special officer for societies. At that time he had the power to appointment of said person. Further, he stated that he does not know whether the affidavit was filed by the accused/appellant or not. He does not know the importance of the main fact that the department has not enquired or asked for the accused/appellant's qualification certificates or not. He does not know the accused/appellant's qualifications.

(iv). Further, he stated the said Accused/Appellant was appointed in Egmore women's co-operative society by Mr Kumaradurai who is the sub-registrar and special officer for societies. The said appointment is not through the district or state employment office. He never know about the educational certificates should be submitted when the appointment or not. Thereafter, he clearly stated, that Ex.P1 did not contain the accused / appellant's signature and the signature of the parents of the accused / appellant.

3. The learned counsel for the petitioner submitted that the petitioner was not directly appointed by the department. Instead, he was appointed by one



Kumaradurai, who was the Sub-Registrar of the Society. The prosecution has not produced any appointment order, nor was the petitioner appointed through the Employment Exchange. After nearly 14 years, the prosecution has come forward with the allegation that the petitioner submitted a bogus educational certificate. However, there is no material evidence on the side of the prosecution to substantiate this allegation. In spite of this, he was convicted, which is erroneous and liable to be set aside.

4. The prosecution raised objections stating that, based on the nature of work, the petitioner was appointed as a packer and that the required qualification was that he should not have completed the 8th standard and should have discontinued his studies at that level. However, according to the certificate submitted by the petitioner, he had passed the 8th standard. Therefore, a case was initiated alleging that he submitted a false certificate. As on date, he has been removed from the Society. It is admitted that he was not directly appointed by the Society, nor was he appointed through the Employment Exchange.

5. The petitioner is ranked as A1, and the other accused (A2) had studied only up to the 4th standard and discontinued. As per the evidence of P.W.6, though he issued the certificate, however, P.W.6 also stated that the certificate produced contains several errors and, in fact, the Transfer Certificate was not



issued by him. Admittedly, the petitioner has already been removed from service without any benefits. After nearly 14 years, the prosecution has been initiated, and even the prosecution has not produced relevant records to show that the petitioner was directly appointed by the Society on the date of employment. Hence, the prosecution has failed to prove its case beyond reasonable doubt.

6. Since the qualification itself is in dispute, and considering the fact that the petitioner is aged about 60 years and is suffering from ailments, though he is not entitled to any service benefits, the conviction cannot be sustained. Hence, the conviction and sentence imposed by the learned II Metropolitan Magistrate, Egmore, Chennai, in C.C.No.2124 of 2007, on the accused / petitioner are set aside. The petitioner is acquitted of all the charges. The bail bond(s), if any, executed by the accused, shall stand cancelled. The fine amount(s), if any, paid by the petitioner / accused is directed to be refunded.

7. Accordingly, this Criminal Revision case is allowed.

21-11-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

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- 1.Sub Inspector of Police, (CRIME)
G-3, Kilpauk Police Station, Kilpauk,
Chennai - 600 010.
CRIME NO.1214/2005
- 2.The XXII Additional Sessions Judge,
City Civil Court, Chennai.
- 3.The II Metropolitan Magistrate Court,
Egmore, Chennai, dated 03.10.2022.
- 4.The Public Prosecutor,
High Court of Madras, Chennai.



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T.V.THAMILSELVI J.
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