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Crl.R.C(MD)No.53 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	30.01.2025
Pronounced On	:	06.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.53 of 2025

and

Crl.MP(MD)No.669 of 2025

Jaya Mari

... Petitioner/Accused No.3/
Appellant No.3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
CBI/ACB/Chennai.
FIR No.RC 56(A)/06

... Respondent/Complainant/
Complainant

PRAYER: Criminal Revision is filed under Section 438 r/w 442 of BNSS, to call for the records and set aside the order passed by the learned Sessions Judge, Mahila Court, Tiruchirapalli, in C.A.No.25 of 2020, dated 29.04.2023. confirming the judgment of conviction passed by the learned Chief Judicial Magistrate, Tiruchirappalli, in C.C.No.1 of 2016, dated 30.01.2020.

For Petitioner : M/s.S.Valarmathi

For Respondent : Mr.M.Karunanithi
Special Public Prosecutor for CBI



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ORDER

The Criminal Revision Case has been filed to set aside the judgment of conviction and sentence passed in C.C.No.1 of 2016 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli, dated 30.01.2020, confirming the said judgment passed by the learned Sessions Judge Mahila Court, Tiruchirappalli, in C.A.No.25 of 2020, dated 29.04.2023.

2. The brief facts of the case as follows:

2.1. The Revision Petitioner had been arrayed as A3 in C.C.No.1 of 2016 on the file of the Learned Chief Judicial Magistrate, Trichy. The allegation is that she gave a false complaint to A4, then Sub Inspector of Police at Thiruverambur Police Station as if she was hit by a two wheeler bearing Registration No. TN-45-E-4116 driven by A3 and claimed that A2 was the owner of the said vehicle A3 pleaded guilty and paid the fine amount. A1, a practising Advocate filed MCOP on behalf of the Revision petitioner and made a false claim of compensation. The National Insurance Company and Insurance Companies filed writ petition before the Hon'ble Principal Bench of Madras High Court, noticing lot of fake compensation claims. The Hon'ble First Bench of Madras High Court directed CBI investigation to look into the false claims of compensation. The CBI filed a case in FIR No.RC 56(A)/06 on 29.11.2006 under sections 120(B) r/w 182,



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471, 420 r/w 511 of IPC and section 13(2) r/w 13(1)(d) of Prevention of Corruption Act against the petitioner and others with the specific allegation that all the accused conspired together and falsely created documents as if some Motor Accident had taken place and claimed compensation with intention to cheat the Insurance Companies by impersonating and forging documents.

2.2. After completion of investigation, they filed final report before the II Additional District Court for CBI Cases, Madurai, and the same was taken on file in C.C.No.10 of 2007. Thereafter, the case was split up against A4 and he died. On the petition filed by A1, the case was transferred from the II Additional District Court for CBI Cases, Madurai, to the learned Chief Judicial Magistrate, Tiruchirappalli, and renumbered as C.C.No.1 of 2016 as against the petitioner, A1 & A2.

2.3. The learned trial Judge issued summons to the accused and on their appearance, served the copies under Section 207 Cr.P.C. and framed the necessary charges and questioned the accused. Both the accused pleaded not guilty and stood for trial.



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2.4. The prosecution, to prove the case examined P.W.1 to P.W.26 and exhibited 39 documents as Ex.P.1 to Ex.P.39. The learned trial Judge questioned the accused under Section 313 of Cr.P.C., proceedings by putting the incriminating evidence available from prosecution witnesses and documents. The accused denied the same as false and the case was posted for examination of the witnesses on the side of the appellant. On the side of the petitioner, no one was examined and no document was marked.

2.5. The learned learned Chief Judicial Magistrate, Tiruchirappalli, after full-fledged trial, convicted the petitioner for the offences under Sections 120(B), 471, 420 r/w 511 and 182 of IPC, and sentenced her to undergo 3 years Rigorous Imprisonment and also to pay a fine of Rs.1,000/- (Rupees One Thousand Only) in default to undergo 6 months Simple Imprisonment for an each offences except the offence under Section 182 of IPC and sentenced her to undergo 6 months Rigorous Imprisonment and to pay a fine of Rs.1,000/- (Rupees one Thousand Only) in default to undergo 1 month Simple Imprisonment. The sentences were ordered to run concurrently.

2.6. Challenging the above said conviction and sentence, the petitioner preferred the Criminal Appeals before the learned Sessions Judge, Mahila



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Court, Tiruchirappalli, in Crl.A.No.16 of 2022. By the order dated 29.04.2023, the first appellate Court has dismissed the appeal by confirming the conviction and judgment passed by the learned Chief Judicial Magistrate, Tiruchirappalli, dated 30.01.2020.

3. Aggrieved over the above said conviction and sentence, imposed by the Courts below, the petitioner preferred the present Revision Case. The learned counsel would submit that there is no evidence to prove the conspiracy between the petitioner and other accused. The prosecutor has not proved any circumstances that the petitioner made any false claim. The Judgment in C.C.No. 40 of 2002 is not set aside till date. Therefore the involvement of vehicle can not be questioned. Hence her claim on the basis of MCOP 515 of 2002 is valid claim. The same was not properly considered by the both courts below and therefore the conviction and sentence of imprisonment passed by both the courts below are liable to be set aside. Merely because A1 was convicted and the said conviction was confirmed by this court, it can not be a ground to confirm the conviction against her. Finally the learned counsel would submit that she is in custody for more than one year and she is aged about 63 years and suffers from multiple ailments. The sentence against co-accused was reduced by this court in Crl.R.C.(MD) No. 840 of 2023 and hence prays for reduction of sentence.



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4. The learned Special Public Prosecutor would submit that the points raised by the petitioner were all raised in the Crl.R.C.No.840 of 2023 and other connected cases. This court has considered in elaborate manner and declined to accept the same. The petitioner has committed offence of impersonation, forgery and filed the false claim petition in MCOP No. 515 of 2002. All witnesses cogently deposed about the involvement of the petitioner and other accused. Therefore the prosecution proved case beyond reasonable doubt and he seeks to dismiss the revision.

4.1. He further submitted that the Trial Court by a detailed judgment discussed all the defence of the petitioner and rightly convicted the petitioner and the lower Appellate Court on independent appraisal dismissed the appeal confirming the conviction passed by the Trial Court. He further submitted that the accused were not to be shown any leniency, the accused are perpetrators of crime, who created forged documents in greed of money and to enrich themselves by cheating the Insurance Companies. The Insurance Act is a benevolent act created to benefit the needy who are injured or lost the breadwinners and the loved ones, as a compensatory for the treatment and the loss, insurance amount paid, the accused by filing such false claims, denied the rightful victims to get the compensation amount, on the other hand they got enriched themselves wrongfully. Hence, he prayed for dismissal of the petition.



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5.This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record and the precedents relied upon by them.

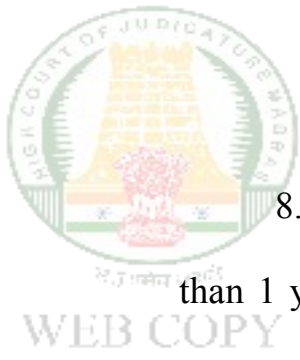
6. A1 was Advocate. A2 was the owner of the TVS Motor Cycle bearing Reg.No.TN45-A-4116 and A3 was rider of the said vehicle, A4 was the Sub Inspector Police who registered the case in Cr.No.204 of 2001. Petitioner lodged complaint before A4 with allegation that A2's above said two wheeler was ridden by A3 and he caused injury to the petitioner and A3 pleaded guilty and thereafter A1 filed the false Motor Accident claim in MCOP No.515 of 2002 on behalf of this petitioner. The fraudulent act of the accused is clearly proved through the cogent and trustworthy evidence of P.W.1 to P.W.5 & P.W.31 and the connected documents i.e., A1 to A4 conspired, connived, created forged documents, played fraud on the Court by producing impersonators and thereafter using those documents filed a claim petition, only after CBI registering a case, investigation commenced, fearing being caught A1 withdrawn the claim petition in M.C.O.P.No.2305 of 2001. Therefore withdrawing the claim petition would not absolve accused from the offence. A3 appeared before the respondent police and lodged a false complaint that she was hit by the above said vehicle on 13.10.2001. Thus, the role played by each of the accused were clearly spoken to by the witnesses



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with contemporary documents. Therefore, it is proved beyond reasonable doubt from the evidence of the witnesses and documents produced by the CBI that the accused had played fraud, produced forged document and filed the MCOP No. 515 of 2002. The learned Trial Judge had given a well reasoned and detailed judgment discussing all the aspects without any legal infirmity and the same was further considered in elaborate manner by the Lower Appellate Court.

7. The argument of learned counsel that there was no challenge of the criminal court judgment in C.C.No. 108 of 2002 is not a ground to disbelieve the evidence of the prosecution witnesses when the order was obtained by playing fraud, the order itself is illegal and same was investigated with adequate material and proved before the court below by the CBI. Therefore the contention is misconceived one. The act of filling false claim with the active connivance of the remaining accused itself is a strong circumstance to prove the conspiracy. The court below considered the same and rendered the concurrent finding. Therefore this court finds no merit in this revision and also finds no legal infirmity to interfere with the concurrent findings of the both the courts below. Further more A1's conviction was confirmed in Crl.RC.No.840 of 2023. Therefore this courts confirms the conviction passed by the learned Trial Judge and affirmed by the learned Appellate Judge.



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8. However considering the incarceration of the petitioner for more than 1 year and 2 months, taking into account her health condition and her age of 63, and also this court having reduced the sentence of imprisonment of the co-accused to the period already undergone, this court is inclined to reduce the sentence of the imprisonment of 3 years imposed against the petitioner to the period that she had already undergone.

9. Accordingly, this Criminal Revision Case is partly allowed on the following terms:-

*i) The conviction passed by the learned Chief Judicial Magistrate, Tiruchirappalli, in C.C.No.1 of 2016 dated 30.01.2020, confirming the said judgment passed by the learned Sessions Judge, Mahila Court, Tiruchirappalli, in C.A.No.25 of 2020, dated 29.04.2023, for the offences under Sections 120(B), 471, 420 r/w 511 and 182 of IPC, is confirmed and the sentence of imprisonment 3 years RI imposed against the petitioner under Sections 120(B), 471, 420 r/w 511 and 182 of IPC, is reduced to the period, **which was already undergone by her.***

-consequently, the connected miscellaneous petition is closed.

06.02.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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Note : Issue order copy on 07.02.2025



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K.K.RAMAKRISHNAN, J.

dss

To

1. The Chief Judicial Magistrate,
Tiruchirappalli.
2. The Sessions Judge,
Mahila Court, Tiruchirappalli,
3. The Inspector of Police,
CBI/ACB/Chennai.
4. The Superintendent of Police,
Special Prison for Women, Trichy.
5. The Special Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
6. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

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