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CRL RC No. 288 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 288 of 2021

Jayaraman

..Petitioner

Vs

The State Rep by
The Inspector of Police,
Q Branch CID,
Chennai City,
Chennai-600 005.
Cr No.1/2002

..Respondent

Prayer : Criminal Revision Case is filed under Section 397 and 401 of the Code of Criminal Procedure to acquit the petitioner by setting aside the judgment in C.A.No.501 of 2018 dated 23.12.2020 by the Learned VI Additional Sessions Judge, Chennai partly allowing the appeal convicting him under Section 120 B r/w 465 IPC, 465, 468 r/w 471, 474 IPC and sec 12(1) (b) of Passport Act and sentenced to undergo six months simple imprisonment with a fine of Rs.1000/- in default one month Simple Imprisonment on each count and the sentence to run concurrently which was passed in C.C.No.17257 of 2003 dated 21.08.2018 by the learned II Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioner:

Mr.M.S.Govindarajan
P.Srinivasan

For Respondent:

Mr.L.Baskaran
Government Advocate (Crl.Side)



ORDER

WEB COPY This Criminal Revision Case has been filed as against the Judgment dated 23.12.2020 passed in C.A.No.501 of 2018 on the file of the VI Additional Sessions Judge, Chennai, thereby confirming the conviction and sentence imposed by the II Metropolitan Magistrate, Egmore, Chennai, in C.C.No.17257 of 2003 dated 21.08.2018, for the offences punishable under Sections 120B read with 465 of IPC, 465, 468 read with 471, 474 of IPC and Section 12(1)(b) of the Passport Act.

2. The case of the prosecution is that the petitioner/A1 was found in possession of five Indian Passports at Egmore, and the same were seized in the presence of witnesses. Based on his confession, A2 was arrested and 63 passports along with various materials used for forging passports, such as, ultraviolet light, fake rubber stamps, seals of Government of India and Foreign Embassies, were seized from his house. Further, based on the confession of A2, the respondent conducted a search and seized 21 more passports and tools used for forgery from his house. During the course of investigation, A3 was arrested and 10 passports along with materials used for forging passports were seized from his house. All the seized passports were sent for verification, and the authorities confirmed that they were forged, fake or tampered documents.



3. After completion of the investigation, the respondent filed a final report and the same has been taken cognizance by the Trial Court for the offences punishable under Section 12(1)(b) of the Passport Act, 1967 and under Sections 120-B, 465, 467, 468 read with 471, 472 and 474 of IPC. There are totally three accused in this case, in which, the petitioner is arrayed as A1.

4. In order to bring home the charges, the prosecution had examined P.W.1 to P.W.104 and marked Exs.P1 to P114. The prosecution also produced M.O.1 to M.O.55. On the side of the accused, no witnesses were examined and no documents were marked.

5. On perusal of the oral and documentary evidence, the Trial Court found the petitioner guilty of the offences under Section 12(1)(b) of the Passport Act, 1967 and under Sections 120-B, 465, 467, 468 read with 471, 472, 474 of IPC. Aggrieved by the same, the accused preferred an appeal. The Appellate Court partly allowed the appeal and modified the conviction and sentence imposed by the Trial Court under Sections 467 and 472 of IPC and sentenced the accused to undergo six months imprisonment each and to pay a fine of Rs.1,000/- each, in default to undergo one month imprisonment and confirmed the conviction and sentence passed by the Trial Court under Section 120-B of IPC read with 465 of IPC, 468 read with 471, 474 of IPC and Section 12(1)(b)



of the Passport Act. Aggrieved by the same, the present Criminal Revision Case has been filed.

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6. The learned counsel appearing for the petitioner submitted that, insofar as the offence under the Passport Act is concerned, the sanction is mandatory to prosecute the accused. In the present case, the Sanctioning Authority has not been examined and without examining the Sanctioning Authority, the sanction was marked as Ex.P100, which is not in accordance with law. Further, the prosecution initially filed the final report as against the petitioner, who is an Indian National, for the offence punishable under Section 12(1-A)(b) of the Passport Act. However, the said provision is not applicable to the petitioner, as it applies only to foreigners, and therefore, the charge itself is not legally sustainable. He further submitted that the seizure of the passports and tampering the same have not been proved by the prosecution.

7. Even according to the case of the prosecution, the petitioner was found in mere possession of five passports and he has nothing to do with the alleged offences. Therefore, the implication of the petitioner as an accused is improper, since the seizure of the passport itself is not proved. The evidence of P.W.4 and P.W.5 did not support the case of the prosecution so as to sustain the conviction. Further, P.W.1 was attached to Kancheepuram and had no jurisdiction to seize any material objects or to arrest the accused. Therefore, the

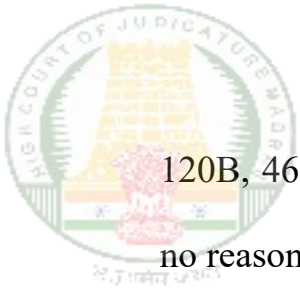


entire case of the prosecution is vitiated on account of lack of jurisdiction.

Further P.W.2 and P.W.3 are neighbours of P.W.1's office. Therefore, they are interested witnesses and their evidence cannot be considered to convict the accused, since their witnesses are not believable.

8. A perusal of the counter affidavit and the submissions made by the learned Government Advocate (Crl.Side) reveals that the Government appointed authority to accord sanction. As per Section 114(e) of the Indian Evidence Act, a presumption arises that the official acts have been regularly performed. Therefore, the sanction accorded carries a statutory presumption in its favour. Further, the Appellate Court has already set aside the conviction passed under Section 12(1-A)(b) of the Passport Act. Now, the accused is convicted for the offence under section 12(1)(b) of the Passport Act. Therefore, there is absolutely no illegality in the conviction of the accused for the said offence.

9. A perusal of the evidence of P.W.1 reveals that he had obtained oral permission from the Superintendent of Police to conduct surveillance. Therefore, the police officer was competent to arrest and seizure. Apart from the question of territorial jurisdiction, there is no prohibition in law that the police officer cannot arrest any person without jurisdiction. Therefore, both the Courts below have concurrently held that the petitioner is liable to be convicted for the offences under Section 12(1)(b) of Passport Act 1967 and under Section



120B, 465, 467, 468 read with 471, 472, 474 of IPC. Hence, this Court finds no reason to interfere with the said concurrent findings of conviction.

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10. However, insofar as the sentence is concerned, it is to be note that the petitioner is facing criminal proceedings from the year 2002. Even today, the petitioner has been complying with the condition imposed by this Court by regularly reporting before the Trial Court during the period of suspension of sentence. Further, the petitioner has already undergone a substantial period of sentence.

11. In view of the above, this Court is inclined to modify the sentence alone to the effect that the period which is already undergone by the petitioner. The conviction imposed by the Trial Court as well as the Appellate Court is confirmed.

12. Accordingly, this Criminal Revision Case stands partly allowed.

26-03-2026

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

LPP



To

1. The VI Additional Sessions Judge,
Chennai

2. The II Metropolitan Magistrate,
Egmore, Chennai.

3. The Inspector of Police,
Q Branch CID,
Chennai City,
Chennai-600 005.

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G.K.ILANTHIRAIYAN J.

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