IN THE HIGH COURT OF JUDICATURE AT MADRAS

RERSERVED ON : 20.02.2026
PRONOUNCED ON : 04.06.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.Nos.278 & 280 of 2021

Annamalai ... Petitioner in Crl.R.C.No.278 of 2021

K.Santhanam ... Petitioner in Crl.R.C.No.280 of 2021

Vs.

The State,
Rep. by the Inspector of Police,
Crime Branch CID,
Salem Unit,
(Crime No.2/1994). ... Respondent in Crl.R.C.No.278 of 2021

The State,
Rep. by the Inspector of Police,
Crime Branch CID,
Salem Unit,
Salem District.
(Crime No.2/1994). ... Respondent in Crl.R.C.No.280 of 2021

PRAYER in Crl.R.C.No.278 of 2021: Criminal Revision Case filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records and set aside the judgment dated 31.03.2021 passed in C.A.No.60/2017 on the file of the II Additional District and Sessions Court, Salem, confirming the judgment dated 12.05.2017 passed in C.C.No.259/2010 by the Judicial Magistrate-4, Salem.

PRAYER in Crl.R.C.No.280 of 2021: Criminal Revision Case filed under Section 397 r/w 401 of Code of Criminal Procedure, to call for the records and set aside the judgment dated 31.03.2021 passed in C.A.No.58/2017 by the II Additional District and Sessions Court, Salem, confirming the judgment dated 12.05.2017 passed in C.C.No.259/2010 by the Judicial Magistrate-4, Salem.

For Petitioner	:	Mr.M.Santhanaraman in Crl.R.C.No.278 of 2021 Mr.B.Kumar, Senior Counsel for Mr.S.Ramachandran in Crl.R.C.No.280 of 2021
For Respondent	:	Mr.Leonard Arul Joseph Selvam, Additional Public Prosecutor

COMMON ORDER

The petitioner/A2 & A3 were tried along with A1/A.Rajasekar in C.C.No.259 of 2010 by Judicial Magistrate No.IV, Salem (trial Court). A1/A.Rajasekar absconded, the case against him split up and pending trial in C.C.No.260 of 2010. On conclusion of trial, the trial Court convicted the petitioner/A2 & A3 as follows:

Rank of the Accused	Offence	Conviction and Sentence
A2	467 IPC	Convicted and Sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo 2 months Simple Imprisonment.
	471 IPC	Convicted and Sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo 2 months Simple Imprisonment.
	120(B) r/w 420 IPC	Convicted and Sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo 2 months Simple Imprisonment.
	120(B) r/w 468 IPC	Convicted and Sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo 2 months Simple Imprisonment.
	120(B) r/w 409 IPC	Convicted and Sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo 2 months Simple Imprisonment.
A3	409 IPC	Convicted and Sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo 2 months Simple Imprisonment.
	471 IPC	Convicted and Sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo 2 months Simple Imprisonment.
	120(B) r/w 468 IPC	Convicted and Sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo 2 months Simple Imprisonment.
	120(B) r/w 467 IPC	Convicted and Sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo 2 months Simple Imprisonment.

	120(B) r/w 420 IPC	Convicted and Sentenced to undergo 2 years Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo 2 months Simple Imprisonment.
All the sentences were ordered to run concurrently.		

Challenging the conviction and sentence of the trial Court, the petitioner/A2 & A3 preferred criminal appeal before the II Additional District and Sessions Judge, Salem (lower appellate Court) in Crl.A.Nos.58 & 60 of 2017 and the same dismissed by judgment dated 31.03.2021 confirming the judgment of the trial Court. Challenging the same, present revisions filed.

2.Since both revisions arise out of the common judgment in C.C.No.259 of 2010, this Court disposes both revisions by way of common order. For the sake of convenience and clarity, the petitioners are referred to as Accused as per their rank in the charge sheet.

3.Brief facts of the case is as follows:

(i)The split up accused/A1 along with his wife Vanaja filed G.O.P.No.163 of 1987 before the II Additional District and Sessions Judge, Salem seeking permission to sell the property of their minor son Sakthi Sekar. As per the order of the Court, the sale proceeds of

Rs.5,00,000/- (Rupees five lakh only) was deposited in Andhra Bank, Thillai Nagar, Tiruchirapalli (In Short 'Andhra Bank') for five years. The split up accused/A1 filed I.A.No.307 of 1988 seeking direction to withdraw accrued interest and further, the split up accused/A1 filed I.A.No.398 of 1989 and the II Additional District and Sessions Judge, Salem by order dated 30.09.1989 ordered withdrawal of the entire deposit from Andhra Bank, Thillai Nagar, Tiruchirapalli and to be re-deposited in Syndicate Bank, Salem, hence, directed to forward FDR bearing No.292207 dated 23.08.1988 to the Court. Despite the orders passed in I.A.No.398 of 1989 and communicated to Andhra Bank, the fixed deposit receipt not sent back to the Court. On the contrary, Andhra Bank by letter dated 08.11.1989 requested the Court to retain the deposit till minor attains majority. In the meanwhile, several reminders sent to Andhra Bank to return the FD receipt.

(ii)Subsequently, Andhra Bank by letter dated 25.02.1994 informed the Court that the deposit amount of Rs.5,00,000/- already paid to absconding accused/A1 on 01.08.1991 pursuant to the order received from the Principal District Court, Salem in D.No.9573/1991 dated 29.07.1991. This letter is a forged one.

(iii)According to the accused, the letter was carried to Andhra Bank by PW6/Ramesh, a Bank Staff who collected the letter from A2 from Salem. The absconding accused/A1 informed Andhra Bank Manager/A3 that orders passed by the Court, Salem on 29.07.1991, hence, requested the Branch Manager/A3 to depute a Court Staff. PW6 on the direction of the Bank Manager/A3 went to Salem alongl with A1 and collected the letter from A2. PW6 reached Salem between 05.00 p.m. and 05.30 p.m. on 30.07.1991. A1 informed, Court working time over and the letter is with A2. Thereafter, A1 and PW6 went to the house of A2 who handed over the postal cover (Ex.P11) along with Court order (Ex.P16). PW6 on the next day on 01.08.1991 handed over the letter to A3. The Branch Manager/A3 hurriedly acted upon the letter by paying the proceeds of FDR to the absconding accused/A1 directly deducting the loan amount obtained by the absconding accused/A1.

(iv)The II Additional District and Sessions Judge, Salem earlier written letter to Andhra Bank, deposited amount of Rs.5,00,000/- on 18.10.1989 sent reminders on 26.10.1989 and 03.11.1989 not responded and reply sent to the Court. In the meanwhile, the deposit got matured and a request for renewal of deposit for another three years was addressed from the Court. For the said letter on 01.08.1991, Andhra Bank informed fixed deposit encashed by A1. Thereafter, on verification of Court records it was found that Ex.P16 is a forged letter and there is no corresponding entry in the Court registers and no such order passed by the Court, hence, a complaint lodged by the Principal District Judge, Salem to the respondent Police and FIR (Ex.P82) in Crime No.2 of 1994 registered for offence under Sections 406, 409, 420, 468, 471 r/w 120B IPC. On conclusion of investigation, charge sheet filed before the trial Court. During trial, the prosecution examined PW1 to PW17 and marked Exs.P1 to P100. On the side of the defence, no witness examined and no document marked. On conclusion of trial, the trial Court convicted A2 & A3 and confirmed by the lower appellate Court as stated above.

4.Learned Senior Counsel appearing for A2 submitted that the trial Court and lower appellate Court had given a finding on assumption and presumption, mechanically rendered a finding which is perverse and unreasonable and contrary to the oral and documentary evidence. Referring to paragraph No.25 of the trial Court judgment, learned Senior Counsel submitted that the investigating agency failed to make a detailed investigation, not examined the main witness in this case. Neither the Court staff and the Branch Manager who deposited the fixed deposit and communicating with the Court examined as witness nor shown as accused. He further submitted that the entire case revolves around the letter (Ex.P16) dated 29.07.1991, in which, the despatch number of the Court is found, there was no order of the Court of Salem. The forged letter emerged from the Court according to the prosecution. In such circumstances, the provision of Section 195(1)(b)(ii) of Cr.P.C to be invoked. It is a forgery of Court document and records. The Courts below failed to consider that the decision of the Hon'ble Apex Court in ***Bhima Razu Prasad v. State represented by Deputy Superintendent of Police CBI/SPE/ACU-II*** reported in ***(2021) 19 SCC 25*** and in the case of ***M/s.Bandekar Brothers Pvt. Limited & Anr. v. Prasad Vassudev Keni, etc.,*** reported in ***2021-1-LW (Crl.) 619***. These decisions confirms there should be reasonable close nexus to be found and a test of nexus to be drawn before any conviction in this case, not followed.

5.He further submitted that the complaint to be lodged only by the Court before which the forged document submitted. In this case, the learned District and Sessions Judge, Salem lodged a complaint to the Police to investigate and to file a final report. Thus, the final report filed and taking cognizance under Section 190(a) Cr.P.C., is invalid and void in law. The procedure under Section 340 r/w 195 Cr.P.C not followed. This Court in Crl.O.P(MD)No.1356 of 2018 batch dated 20.09.2018 held that "*the provision of Section 195 are mandatory non-compliance to make the entire process void abinito without jurisdiction*". The Courts below failed to consider the evidence of PW6 who is the only person to speak against A2. In this case, PW6 not even mentioned the address of the A2 where he met A2 and he does not state how A1 introduced A2 to PW6. Further on a demerur, it is submitted that it is a closed pasted cover, neither A2 nor PW6 knew what is inside in the postal cover (Ex.P11). Further in this case the investigation primarily proceeded against A2 based on the confession of A1 the main accused in this case. Since case against A1 split up, the confession of co-accused loses its relevance and it cannot be looked against A2.

6.Learned Senior Counsel further submitted that A2 an Advocate practices in Salem Courts and he does not know who is A3 and there is no iota of material to connect A2, Advocate with the Branch Manager, Andhra Bank/A3 and further there is nothing even to remotely infer that there was any meeting of mind between them. For the offence of forgery, it is clear that the person who had actually committed the offence of forgery can only be punished and the case of the prosecution itself is that A2 not committed any forgery. The Handwriting Expert examined in this case not given any finding against A2. Further A2 no way gained any monetary benefit out of the transaction between A1 and Andhra Bank. The Courts below erred in invoking Section 106 of Indian Evidence Act, 1872 found that A2 alone had exclusive knowledge of forgery and the burden of proving the same is with A2. The fundamental rule is that first it is for the prosecution to prove its case and satisfy the Court that the offence committed with involvement of the accused, thereafter burden is shifted on the accused. In this case, the prosecution miserably failed, except for the uncorroborated version of PW6 who is a subordinate of the other accused/A3 admit earlier to he came to Salem Court and collected the documents from the Court and handed over to the bank. Then what made him to receive the Court order from A2 and not from the Court, no reasons given. Further PW6 coming to the office of A2 not proved. In this case, none of the Court staffs examined stated anything against A2 to be remotely connected with Ex.P16 or to G.O.P.No.163 of 1987.

7.He further submitted that the Courts below held that 164 Cr.P.C statement of PW6 is taken as a corroborative material with the evidence of PW6. The 164 Cr.P.C statement is nothing but a prior statement and it cannot be considered as a substantial evidence and cannot be taken as a corroborative material with earlier statements of PW6. In this case, PW17/defacto complainant in his complaint (Ex.P94) clearly stated the role played by the Court staff in commission of offence. In Ex.P94, the role of the Court staff and procedures followed by them in receiving and despatching the Court order, clearly given. He further submitted that two Court staff named as accused in the FIR but both examined as witnesses PW3 & PW4 in this case. How they were transposed from accused to witness, no justification or material produced. The reason given by the Courts below that PW3 & PW4 are facing departmental action will be sufficient to take them as witness is not proper. PW3 & PW4 are tainted witnesses to escape from the misdeeds committed by them they falsely implicated the petitioner in this case. In this case, there is no material to show any entrustment and misappropriation by A2. Thus, solely relying upon the evidence of PW6 who is a doubtful witness, without any corroborative material convicting A2 by the Courts below is not proper.

8.He further submitted that A2 is an Advocate having several decades of practice with impeccable character and he is aged about 75 years. For the first time, after 17 years, he was identified by PW6 in the dock. Further, A2 is not an Advocate for A1. The Hon'ble Apex Court held that identification of a person in Court after several years is not a conclusive identification, further drawing corroboration of PW6's evidence with earlier 164 Cr.P.C statement is not proper.

9.In support of his contention, learned Senior Counsel relied on the following decisions.

(i)***Bhuboni Sahu v. The King*** reported in ***1949 AIR PC 259*** for the point that A2 arrayed as accused on the confession statement of A1 and as per Section 30 of Indian Evidence Act, the confession of the co-accused can be considered only if they are tried together. In this case, A1 is the absconding accused.

(ii)***Rameshwar Singh v. State of Jammu and Kashmir*** reported in ***1971 (2) SCC 715*** and ***Mohd. Abdul Hafeez v. State of Andhra Pradesh*** reported in ***(1983) 1 SCC 143*** for the point that identification of the accused in Court without any previous identification at a test parade and without any description, to corroborate it, is far too slender a piece of evidence to base the appellant's conviction.

(iii)***P.V.Narasimha Rao & Others v. State through CBI*** reported in ***2002 SCC OnLine Del 296*** for the point that the corroboration of the witness statement with his own 164 Cr.P.C. statement is not permissible.

(iv)***D.Gopalakrishnan v. Sadanand Naik and others*** reported in ***(2005) 1 SCC 85*** for the point that identification of the accused by photograph is not permissible.

(v)***Ramesh v. State of Karnataka*** reported in ***(2009) 15 SCC 35*** for the point that the evidence of mere identification of the accused person at the trial for the first time is from its very nature inherently of a weak character.

(vi)***Amar Singh v. State (NCT of Delhi)*** reported in ***(2020) 19 SCC 165*** for the point that the test is whether the evidence has a ring of truth, is cogent, credible and trustworthy or otherwise.

(vii)***Rajesh Yadav and another v. State of Uttar Pradesh*** reported in ***(2022) 12 SCC 200*** for the point that when evidence produced is neither wholly reliable nor wholly unreliable, it requires corroboration, and in such a case, Court can also take note of the contradictions available in other matters.

10.Learned counsel for A3 submitted that A3 is the Branch Manager of Andhra Bank. A1 and his wife Vanaja are regular customers of Andhra Bank. A1 took loan for his business. A3 joined the Branch only 50 days prior to the date of the alleged occurrence i.e., on 01.08.1991. PW6 admits that it is Valliyappan previous Manager who dealt with the Court deposit of A1. PW6 admits that on the direction of Valliyappan, he earlier went to Salem twice to collect Court orders and communications and submitted to Andhra Bank. In normal course, PW1 on 29.07.1991 came to Andhra Bank, informed A3 that a Court order passed in his favour and requested to depute a Bank Staff to collect the Court order. This was at about 12.00 noon on 31.07.1991. A3 called PW6, to accompany A1 to Salem Court and collect the Court order as done previously. PW6 went to Salem along with A1, collected the letter and handed over to A3. In usual course, A3 received the letter and acted upon the Court direction (Ex.P16). The cover was a sealed one with Court seal with despatch number, there is no reason for A3 to doubt Exs.P11 and P16. PW6 not informed A3 about A1 taking PW6 to the house/office of an Advocate/A2 and the Advocate/A2 handing over the letter Ex.P11. Thus, there was no reason for A3 to doubt the genuineness of Exs.P11 & P16. After several communication received from the Court seeking transfer of fixed deposit, thereafter only the entire case came to light. During investigation, it was found that some forgery committed. A3 as Branch Manager to augment deposits and to develop the business of the Bank, written to Court seeking retention of fixed deposit. Based on Ex.P16, A3 converted the fixed deposit, adjusted A1 dues to the bank loan availed. Further, A1 in this case was having some loan which was due for payment, hence, the fixed deposit amount was adjusted for repayment of the loan. A3 not personally benefited in any manner and there is no iota of evidence produced to show A3 had prior meeting of mind with the other accused and there is nothing even to infer A3 had the knowledge that Ex.P16 a forged letter of the Court.

11.He further submitted that A3 only acted for the benefit of Andhra Bank, nothing more. What transpired between A1 & A2 in this case, A3 is not privy to it. PW6 not informed receiving the postal cover (Ex.P11) and letter (Ex.P16) from A2 and not from the Court. Since there were several reminders received from Salem Court, Andhra Bank informed the discharge of the fixed deposit in the year 1991 itself. In this case, there might be some connivance between A1 and Court staffs for which A3 cannot be penalized.

12.In this case, two of the named accused in the FIR are Court staffs, later examined as PW2 & PW3. How they were transposed from the accused to witness, there is no justification given. The only person who is projected against A3 is PW6. From the entire reading of the evidence of PW6, it is seen that nothing is spoken against A3. In fact PW6 admits that he handed over the letter on 01.08.1991, for acting in alacrity on the same day, discharging the fixed deposit receipt and closing the loan account is now projected against A3 as though these was conspiracy with A1. The entire transaction of A1 was with Valliyappan the previous Manager, Andhra Bank. A3 only discharged the fixed deposit and closed the bank loans. Even the Forensic Report does not indicate the involvement of A3 in any manner. The Court staff not recorded the bank letter in the Court records and for the mistake committed by the Court staff, A3 cannot be penalized. Further the Court staffs not brought to the knowledge of the District Judge about the bank letter. In this case, PW7 is the Branch Manager of Andhra Bank during the year 1984-1986 who states earlier transaction of A1 with Andhra Bank and bank receiving communications from the Court. Considering A3 not violated the bank rules and regulations, no departmental action taken against him.

13.He further submitted that A1's wife Vanaja filed civil suit before the District Munsif Court, Tiruchirapalli in O.S.No.2024 of 1989 dated 30.08.1989 and obtained an order of injunction restraining the Bank from appropriating the interest by A1. Since the Bank received a letter from the District Judge which is an appellate Court, the injunction order of the lower Court has no force. Further, the District Judge not restrained the Bank to release the deposit amount. The letter (Ex.P16) contains despatch number, references and signed by the P.A to District Judge, Salem which is the usual procedure. The previous letters issued from the District Judge, Salem are identical having same resemblance. Hence, there was no reason to suspect Ex.P16. Further, A3 followed the bank procedures and acted in good faith, hence, Section 79 of IPC comes to his rescue when there is no contra material against him.

14.Learned counsel further submitted that the prosecution not found forgery committed on Ex.P11 postal cover with regard to the Court seal. In Ex.P75, the Forensic Report is not clear with regard to signature found in Ex.P16. The Courts below failed to consider that A3 with bonafide wrote letter to the District Judge, Salem under Ex.P91 on 01.08.1991 and further a copy of the letter sent to Regional Office, Andhra Bank, Chennai under Ex.P89. These exhibits confirm the petitioner acted bonafidely. The Courts below failed to take note that Ex.P5 letter from Andhra Bank to the District court, Salem dated 08.11.1989 was received by the Court on 10.11.1989 and this letter is a request made by the then Bank Manager Mr.Valliyappan to the District Judge for retaining the fixed deposit in the Bank. Ex.P6 is the endorsement of P.A to the District Judge in Ex.P5.

15.He further submitted that Ex.P91 is a letter addressed by A3 to the District Judge informing closure of fixed deposit which was received by Jayapal Deepakaran, the then Assistant to the District Judge, Salem. For what reason the said Jayapal Deepakaran not brought it to the notice of the District Judge immediately is not known. In the complaint by the District Judge, Salem, Ex.P94, it is clear the Court staffs failed to follow the Office Orders, but the Investigating Officer for the reasons best known not conducted investigation on that line but made A3 a scapegoat. This facts not considered by the Courts below. In support of his submissions, learned counsel for A3 relied on the decisions of the Hon'ble Apex Court in the case of ***Madi Ganga v. State of Orissa*** reported in ***(1981) 2 SCC 224*** for the point that if the Magistrate who recorded 164 Cr.P.C. statement is examined as witness, the accused might be in a position to show by cross examination that the confession recorded by the Magistrate was not voluntary. Further placed reliance on the decision of the Hon'ble Apex Court in ***Raj Kapoor v. Laxman*** reported in ***(1980) 2 SCC 175*** for the point that if the offender can irrefutably establish that he is actually justified by law in doing the act or, alternatively, that he entertained a mistake of fact and in good faith believed that he was justified by law in committing the act, then, the weapon of Section 79 demolishes the prosecution.

16.Learned Additional Public Prosecutor appearing for the respondent Police strongly opposed the petitioners' submissions and submitted that in this case, the then District Judge/PW17 lodged a complaint on 23.05.1994 and FIR/Ex.P82 registered for offence under Sections 406, 409, 420, 468, 471 r/w 120B IPC. The crux of the complaint is that Ex.P16 is a forged letter handed over by PW6 to A3, Branch Manager, Andhra Bank who on receipt of Ex.P16 immediately transferred and converted the fixed deposit to the benefit of A1. In this case, A1 and his wife filed G.O.P.No.163 of 1987 before the learned II Additional District Judge, Salem seeking permission to sell a property of their minor son Sakthi Sekar. As per the Court order, the sale proceeds of Rs.5,00,000/- was deposited in Andhra Bank as fixed deposit for five years. Thereafter, I.A.No.307 of 1988 filed to withdraw the accrued interest which was permitted. Subsequently, another petition filed by the absconding accused/A1 in I.A.No.398 of 1989 seeking for withdrawal of the entire fixed deposit amount and by order dated 30.09.1989 withdrawal of entire deposit from Andhra Bank ordered. In the meanwhile, the Andhra Bank by letter dated 08.11.1989 sought permission to retain the deposit till minor attains majority. The Court regularly sending reminders to the Bank asking to return the fixed deposit to the Court so that the fixed deposit can be re-deposited in Syndicate Bank, Salem. But these reminders not responded.

17.The Bank by letter dated 25.02.1994 informed deposit amount already paid to the absconding accused/A1 on 01.08.1991 and this payment was pursuant to a letter received from the Principal District Court, Salem in D.No.9573/1991 dated 29.07.1991. This letter had not sent from the Court and it is a forged letter, internal verification done and the matter was reported to High Court, thereafter, complaint lodged to CBCID who registered the case and investigated. During investigation, it was found that on 31.07.1991, A1 came to Andhra Bank, informed A3/Branch Manager that the Court has passed an order directing the fixed deposit to be paid to him and requested A3/Branch Manager to depute a Bank staff the Court to collect the Court order. A3 deputed PW6 to go along with A1 to collect the Court order from the Court. A1 and PW6 reached Salem between 05.00 p.m. and 05.30 p.m. A1 made a call to his Advocate/A2 who informed that Court time is over and the order collected and ready with him, both A1 and PW6 went to A2's residence/office behind Vincent Hotel, Salem, Ex.P11 postal cover with Ex.P16 order of the Court handed over to A1 by A2 who in turn handed over Ex.P11 to PW6. Thereafter, A1 and PW6 returned from Salem to Tiruchirapalli. On 01.07.1991, PW6 handed over the letter Ex.P11 received from A2 to Branch Manager/A3 who on receipt of the letter immediately cancelled the fixed deposit, made payments to A1 and credited to A1 loan dues.

18.He further submitted that during investigation, 17 witnesses examined. PW1 is the father of A1, his letter pad forged with false particulars containing false details with regard to the partition and settlement of a property at Shevapet. PW1 denied his signature in the receipts shown to him. PW2 P.A to District Judge, Salem from 12.04.1989 to 15.04.1991 confirms that as per order of the II Additional District Judge, Salem in I.A.No.398 of 2009 in G.O.P.No.163 of 1987 dated 30.09.1989, he had written a letter to Andhar Bank on 18.10.1989 to transfer the deposited amount of Rs.5,00,000/- to Syndicate Bank, Salem. Subsequently, PW2 sent two reminders dated 26.10.1989 and 03.11.1989 and the same marked as Exs.P2 & P3. Further on 08.11.1989, a letter received from Andhra Bank with a request to retain the fixed deposit in the bank marked as Ex.P5. In Ex.P5, endorsement made and handed over to PW3 Court staff. PW3/Assistant in II Additional District Court, Salem during the period from 01.11.1982 to 13.10.1990 deposed A1 filing G.O.P.No.163 of 1987 seeking permission to sell the property of his minor son and also to deposit Rs.5,00,000/- in Andhra Bank as fixed deposit. PW4/Jayachandran Account Clerk in District Court, Salem during the period from 16.04.1986 to 08.05.1984 confirms deposit of Rs.5,00,000/- in Andhra Bank as per order passed in G.O.P.No.163 of 1987. In I.A.No.398 of 1989, order passed to transfer the fixed deposit from Andhra Bank, Thillai Nagar, Tiruchirapalli to Syndicate Bank, Salem. This order communicated to Andhra Bank but no reply.

19.In the meanwhile, deposit got matured and renewal of deposit for another three years made by Andhra Bank a routine procedure. At that time, it came to know that the fixed deposit already encashed through a forged letter as early as on 01.08.1991. PW5 Sheristhadar during the period 1989-1997 in District Court, Salem. PW6 is Clerk in Andhra Bank during the period from 1984 to 1996 who states about A1 borrowing a loan of Rs.2,50,000/- from their Bank and a deposit from Salem District Court of Rs.5,00,000/- and he along with A1 went to Salem, collected the Court order from A2 and handing over the same to A3. PW6 gave 164 Cr.P.C statement is Ex.P12. PW7 succeeded A3 as Branch Manager, Andhra Bank during the period 1995-1997 deposed clearly about A3 wrongly transferred the fixed deposit amount to A1 and using that amount, three loans of A1 was set off. He had spoken about Ex.P16 a forged letter dated 29.07.1991 and pay order for Rs.5,00,000/- dated 01.08.1991 Ex.P18, A1 receiving Rs.5,00,000/- Ex.P19 and the transactions of A1 all clearly spoken by PW7 along with corresponding documents. PW8 P.A to the District Judge during the period 1991-1992 deposed about the forged letter Ex.P16 and forgery of his signature. He had given 164 Cr.P.C statement before PW9. PW12 is the Handwriting Expert who deposed about examination of forged letter (Ex.P16) with the signature of PW1, PW8 and A1, further confirmed the typed letters in Ex.P16 compared with specimens recorded from the typewriting machine available in the Court were all collected. The opinion given by PW12 marked as Ex.P75. PW13, P.A to District Judge confirmed that he received Ex.P76 request from CBCID to send the documents for Expert opinion. PW14 Head Clerk in District Court during the period 01.06.1994 to 31.08.1994.

20.PW15 Investigating Officer who received the complaint from PW17 on 06.07.1994 and registered the case. PW16 is another Investigating Officer who succeeded PW15 collected documents, examined the further witnesses. PW17 then Principal District Judge confirms lodging the complaint (Ex.P94) on the directions of the High Court to CBCID. His statement was recorded through a Commission since by then he was elevated as High Court Judge. PW3 and PW4 named in the FIR as accused, later examined as witnesses since Departmental Action initiated against them. On completion of investigation, charge sheet filed in this case. During trial, PW1 to PW25 examined and Exs.P1 to P100 marked. He further submitted that in this case, A1 during trial, absconded, hence, case against him was split up. After ful-fledged trial, A2 & A3 convicted by the trial Court, confirmed by the lower appellate Court. It is a case of forgery creating forged documents and using the same as genuine, committed cheating and misappropriation by creating forged Court documents. The active role played by A2 & A3 in this case are spoken by the witnesses corresponding to documents, both the trial Court and lower appellate Court by a well-reasoned judgment convicted A2 & A3 which needs no interference and no leniency to be shown. Hence, he prayed for dismissal of the revisions.

21.Considering the submissions and on perusal of the materials, it is seen that this case pertains to forgery of Court order and records Exs.P16 & P17. The complainant is none other than the Principal District and Sessions Judge, Salem. On the order passed by II Additional District Judge, Salem in G.O.P.No.163 of 1987, the minor share of Sakthi Sekar, son of A1 ordered to be kept in fixed deposit. Hence, F.D.No.292207 dated 23.08.1988 made in Andhra Bank, Tiruchirapalli Branch. A1/absconding accused approached A3/Andhra Bank Manager and informed order passed by II Additional District Judge, Salem to encash the fixed deposit amount of Rs.5 lakhs on 31.07.1991. A3/Andhra Bank Manager called his staff PW6 and deputed him to go along with A1 to collect the orders/communication from Salem Court. PW6 and A1/absconding accused reached Salem by 05.30 p.m. PW6 confirms A1 called his Advocate/A2 and informed Bank staff reaching Salem to collect the Court order. A2 informed the working hours of the Court is completed for the day, but he collected the Court order and it is with him. A1 took PW6 to the residence/office of A2 behind Vincent Hotel, Salem. A2 handed over the Court order and cover (Exs.P16 & P17). The next day on 01.08.1991, PW6 handed over the order of the Court to A3/Bank Manager who on the instruction of A1, encashed the Fixed Deposit, adjusted the dues of A1's loan amount. In this case, the Court regularly sending communications to Andhra Bank, Tiruchirapalli to forward the Fixed Deposit receipt, so that the Fixed Deposit to be re-deposited with Syndicate Bank, Salem. There was no response. Earlier Andhra Bank by letter dated 08.11.1989 sought for retention of Fixed Deposit for further period of three years.

22.In this case, the Fixed Deposit amount paid to A1 on 01.08.1991 claiming payment made pursuant to the letter received from the Principal District and Session Court in D.No.9573 of 1991 dated 29.07.1991. In I.A.No.398 of 1989, order passed to transfer the Fixed Deposit from Andhra Bank Tiruchirapalli to Syndicate Bank, Salem.

23.PW6 deposed how he came along with A1 on the direction of A3 from Tiruchirapalli to Salem, meeting A2, collected the forged Court order, handed over the order to A3 and the Fixed Deposit amount encashed. PW6 earlier gave statement under Section 164 Cr.P.C. and he confirmed to his earlier statement. The witnesses PW2, PW3, PW4, PW5 and PW8 all confirmed the Court procedure in receipt and despatch of the Court order and also confirmed there was no reference about Exs.P16 & P17 in the Court records. PW7, the succeeding Manager of A3 confirmed the banking procedure and non responding to the Court communication.

24.PW12 Handwriting Expert confirms forged letter Ex.P16 the typewriting impression and signatures. PW13 P.A. to District Judge sent the documents to Handwriting Expert. PW17 District Judge lodged the complaint and PW15 and PW16 the Investigating Officers conducted investigation and filed the closure report.

25.The trial Court and the lower appellate Court, on the basis of the evidence and materials produced, found the petitioners played an active role along with the absconding accused/A1 and rightly convicted the petitioners through a well-reasoned judgment.

26.This Court finds no perversity or reason to interfere with the judgments of the Courts below. ***Accordingly, Criminal Revision Cases are dismissed*** confirming the conviction of A2 [for offence under Sections 467, 471, 120(B) r/w 420, 120(B) r/w 468 and 120(B) r/w 409 IPC] and A3 [for offence under Sections 409, 471, 120(B) r/w 468, 120(B) r/w 467 and 120(B) r/w 420 IPC].

27.Considering the age of A2 and A3 and the passage of time since the registration of the case in 1994, as well as the fact that the petitioners had been facing trial for more than 15 years, and finding that the real beneficiary is the absconding accused/A1, this Court is inclined to modify the sentence. Hence, the sentence of two years Rigorous Imprisonment for all convictions of A2 & A3, as stated above, is modified to six months Rigorous Imprisonment. All the sentences to run concurrently.

04.06.2026

Speaking Order/Non Speaking Order
Index : Yes/No
Neutral Citation: Yes/No
vv2

To

1.The II Additional District and Sessions Judge,
Salem.

2.The Judicial Magistrate No.IV,
Salem.

3.The Inspector of Police,
Crime Branch CID,
Salem Unit,
Salem District.

4.The Public Prosecutor,
Madras High Court.

M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDERS IN
Crl.R.C.Nos.278 & 280 of 2021

04.06.2026