IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 290 of 2021

1.R.Stanley Ravi
M/s.Surya Authomotive Traders,
No.5, Thiruvalluvar Street,
1st Floor, Mannurpet,
Chennai - 600 050.
2.Lilian Stanley

..Petitioner(s)

Vs

State through,
The Inspector Of Police,
Central Crime Branch, Egmore,
Chennai. Cr.No.42 of 2005.

..Respondent(s)

Crl.R.C.filed under Section 397 r/w. 401 Cr.P.C. to call for the records in C.A.No.224 of 2016 on the file of the learned IV Additional Sessions Judge at Chennai and allow the revision and set aside the order dated 29.01.2021 in CA.No.224 of 2016 on the file of the learned IV Additional Sessions Judge at Chennai confirming the order in C.C.No.13972 of 2007, dated 13.07.2016 passed by the learned III Metropolitan Magistrate, George Town at Chennai.

For Petitioner(s): M/s. R.Ganesh Kumar

For Respondent(s): Mr.L.Baskaran, Govt. Adv. (Crl.Side)

ORDER

This Criminal Revision case has been filed against the judgment passed in C.A.No.224 of 2016 on the file of the learned IV Additional Sessions Judge at Chennai, confirming the conviction and sentence imposed by the Trial Court in C.C.No.13972 of 2007, on the file of the III Metropolitan Magistrate, George Town at Chennai, dated 13.07.2016 for the offence punishable under Sections 420, 471 read with 468 of the Indian Penal Code.

2. The case of the prosecution is that, in February 2002, the first petitioner/A1 approached the Chief Manager at Karnataka Bank Limited, George Town Branch, seeking a loan of Rs.20,00,000/- to meet his business expansion. As collateral security, the accused A1 & A2 produced the documents relating the properties situated in S.No.565 & 566 at Senneerkuppam Village. On the basis of the legal opinion and valuation certificate for the said property, the loan was sanctioned for Rs.20,00,000/-. On 08.04.2002, the accused, deposited title deeds and documents for the purpose of creating a mortgage towards the said loan. The accused have withdrawn Rs.18,00,000/- out of the sanctioned amount. Subsequently, the accused defaulted in repayment of the loan. On verification of the documents, the Bank came to know that the accused had deposited forged and fabricated documents for the purpose of availing the said said loan. Hence, a complaint was registered.

3. On the complaint, the first respondent registered a case in Crime No.42 of 2005 for the offence under Sections 415, 416, 420, 463, 464, 467, 468, 471, 473, 474 r/w. 34 IPC and Section 120 (b) IPC. After completion of investigation, a final report was filed and the same was taken on file in CC.No.13972 of 2007. In order to prove the case, the prosecution had examined PW1 to PW10 and marked Exs.P1 to P25. On the side of the accused, no witnesses were examined and no documents were marked. On perusal of the oral and documentary evidence, the Trial Court found that the accused is guilty for the offence punishable under Sections 420, 471 read with 468 IPC. They were sentenced them to undergo one year Rigorous Imprisonment and to pay a fine of Rs.2,000/- each, in default, to undergo two months Simple Imprisonment for the offence under Section 420 IPC. They were also sentenced to undergo one year Rigorous Imprisonment and to pay a fine of Rs.2,000/- each, in default, to undergo two months Simple Imprisonment for the offence under Section 471 r/w 468 IPC. Aggrieved by the same, the petitioners preferred an appeal and the same was dismissed confirming the order of conviction and sentence imposed by the Trial Court. Challenging the same, the present Revision is filed.

4. The learned counsel for the petitioners submitted that the present complaint was filed under Section 156(3) Cr.P.C. without following the mandate prescribed under Section 154 Cr.P.C. and there is no whisper in the

complaint about the lodging of the complaint to the concerned Police Station. He further submitted that Ex.P12 and P13, the title deed and mortgage deed, were not disputed and there is nothing on record to dispute the genuineness of the said Exhibits. In order to challenge the genuineness of Exs.P5, P7, P9 and P23, the prosecution did not produce any evidence. Without considering the above facts and circumstances, the Trial Court and the Appellate Court mechanically convicted the petitioners.

5. Per contra, the learned Public Prosecutor submitted that the accused had availed a loan of Rs.20,00,000/- by producing forged documents and had withdrawn Rs.18,00,000/-. Upon verification, it was found that the mortgaged property did not belong to the accused and that the documents, including legal heirship and encumbrance certificates, were fabricated. The prosecution has clearly established the charges through oral and documentary evidence, and hence, the conviction is justified.

6. Heard the learned counsel for both sides and perused the materials available on record.

7. Both the petitioners were arrayed as A1 and A2. The crux of the allegation is that the petitioners availed loan of Rs.20,00,000/- and out of which, they withdrew a sum of Rs.18,00,000/-. At the time of availing loan, the petitioners mortgaged the title deed of the property comprised in Survey

Nos.565 and 560 situated at Senneerkuppam Village. Subsequently, they committed default in repayment. On verification of the documents which were mortgaged with the Bank, found that those are fabricated one by forging signatures.

8. The Manager of the Bank, PW1, has categorically deposed that the accused committed default in repayment of the loan amount and that, on verification, documents produced by them were found to be forged and fabricated for the purpose of availing loan. Therefore, PW1 lodged complaint and the complaint was marked as Ex.P1. Thereafter, all the documents were handed over to the respondents for investigation.

9. It is thus evident that the accused, with the intention of availing loan, created an equitable mortgage by depositing forged title deeds and fabricated documents, including forged signatures. Further, the accused fabricated the documents as if the properties originally belongs to the forefather of the second accused and he developed the said property and after his demise the second accused inherited the property. However, on verification of the documents, it was found that the said property was already alienated by the forefather of the second respondent and the second respondent is not the owner of the said property. Thus, they deceived the Bank by producing fabricated documents and availed loan.

10. Ex.P12 is the title deed dated 05.02.1930 standing in the name of Kannayiram Thambiran. Ex.P13 is the mortgage deed 05.02.1930 executed by Kannayiram Thambiran in favour of one Ibrahim Sahib. There is no dispute about the documents Ex.P12 and P13. From the above documents, it is evident that the said properties were already sold out. The accused produced fabricated documents, namely, Exs.P4, P6, P10 and P24, as if the second accused and her mother, are the legal heirs and entitled for the said property. The also produced a fake encumbrance certificate as if there was no encumbrance over the property.

11. The prosecution proved the charges by examining PW4 to PW7 and also proved that the death certificate, legal certificate and encumbrance certificate produced by the accused are not genuine documents. Therefore, the Trial Court rightly convicted the petitioners and the Appellate confirmed the same.

12. In view of the above, the Court finds no illegality or infirmity in the order of conviction and sentence imposed by the Trial Court and confirmed by the Appellate Court. Hence, the Civil Revision Case fails and dismissed.

13. At this juncture, the learned counsel for the petitioners submitted that both the petitioners are aged persons and sought time to surrender to undergo the remaining period of sentence.

14. Considering the above submission, the respondent Police is directed to secure the petitioners and commit them to prison to undergo the remaining period of sentence, if any, on or before 01.04.2026.

18-03-2026

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

To
1. IV Additional Sessions Judge at Chennai

2. III Metropolitan Magistrate, George Town at Chennai

3. The Inspector Of Police, Central Crime Branch,
Egmore, Chennai. Cr.No.42 Of 2005.

G.K.ILANTHIRAIYAN, J.

PVS

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