



Crl.R.C.No.129 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.129 of 2022

M.Venkatesan

... Petitioner

Vs.

State Rep by
The Inspector of Police,
District Crime Branch,
Thiruvannamalai,
Thiruvannamalai District.
(Crime No.2/2012).

... Respondent

PRAYER: Criminal Revision Case is filed under Sections 397 r/w. 401 of Code of Criminal Procedure, to set aside the judgment passed by the Appellate Court in C.A.No.35 of 2019 dated 22.11.2021 on the file of the learned Principal District and Sessions Judge, Thiruvannamalai District confirming the judgment of the Trial Court in C.C.No.97 of 2013 dated 27.09.2019 on the file of the learned Judicial Magistrate No.I, Thiruvannamalai.



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For Petitioner : Mr.S.Jeyakumar
For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl. Side)
assisted by Ms.Harshana.T

ORDER

This Criminal Revision Case is filed by the petitioner/A3 to set aside the judgment dated 22.11.2021 in Crl.A.No.35 of 2019 passed by the learned Principal District and Sessions Judge, Thiruvannamalai District (lower appellate Court), confirming the conviction and sentence in the judgment dated 27.09.2019 in C.C.No.97 of 2013 passed by the learned Judicial Magistrate No.I, Thiruvannamalai (trial Court).

2.The Trial Court convicted the petitioner/A3 in C.C.No.97 of 2013 and sentenced to undergo two years simple imprisonment and to pay a fine of Rs.5,00/-, in default, to undergo one month simple imprisonment for the offence under Section 420 IPC, to undergo two years simple imprisonment and to pay a fine of Rs.5,00/-, in default, to undergo one month simple imprisonment for the offence under Section 465 IPC, to undergo two years simple imprisonment and to pay a fine of Rs.5,00/-, in default, to undergo

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one month simple imprisonment for the offence under Section 468 IPC and to undergo two years simple imprisonment and to pay a fine of Rs.5,00/-, in default, to undergo one month simple imprisonment for the offence under Section 471 IPC. Aggrieved against the same, the petitioner preferred an appeal in C.A.No.35 of 2019 and the Lower Appellate Court dismissed the appeal confirming the conviction and sentence imposed by the Trial Court. Against which, the present revision filed.

3.The case of the prosecution is that two persons, namely Sadasivam and Venkatesan filed motor accidents claim petitions in MCOP.No.187 of 2002 and MCOP.No.188 of 2002 before the Motor Accidents Claim Tribunal, Thiruvannamalai that on 08.03.2001 when the said Sadasivam and Venkatesan were riding in a cycle after completing their work at Thiruvannamalai near Kizhnachipattu elementary school at about 11 PM, at that time, a TVS Suzuki bike bearing registration No.PY-01-Q-5832 came in a rash and negligent manner and hit them from behind. Both of them got injured. Sadasivam got injured on the back of his head and sustained bruises on his left arm. Venkatesan sustained bruises on his left arm, back of his shoulder, right palm and below his left eye. Thereafter, both taken to the Government General Hospital, Thiruvannamalai, wherein PW8/Casualty

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Doctor examined them, gave treatment and issued Accident Registers/Ex.P3 and Ex.P4. Four days after discharge, the said Sadasivam and Venkatesan, along with his friends, went to Kilpennathur Police Station, where the Head Constable registered a case in Crime No.101 of 2001 for the offence under sections 279 and 337 IPC against Narayanamoorthy, the rider of TVS Suzuki bike bearing registration No.PY-01-Q-5832. The vehicle was sent to the Motor Vehicle Inspector for inspection. The Motor Vehicle Inspector inspected the vehicle on 21.03.2001 and gave inspection report that accident was not due to any mechanical defect. After filing the motor accident claim petitions, notice was sent to the Insurance Company, namely, New India Assurance Company, Thiruvannamalai. The Insurance Company found that there is discrepancy in the vehicle number given in the motor vehicle report, accident register and FIR, further the rider of the vehicle, Narayanamoorthy was shown as the accused in FIR but in the motor vehicle report, Narayanamoorthy/A1 was shown as the owner of the vehicle and one S.Kannan was shown as the rider of the bike. Getting suspicious about the claim petition and the annexed documents, PW1 forwarded the documents to a Private Investigator/PW2 to verify the genuineness of the insurance claim. PW2 conducted enquiry and found that there are two vehicle numbers, one shown in the motor vehicle inspector's report as PY-01-Q-5832 and another

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in the Accident Register as TN-25-A-6289. Likewise, the name of the rider of the vehicle was also changed. On completion of investigation, charge sheet filed before the learned Judicial Magistrate No.II, Thiruvannamalai showing Kannan as the accused in S.T.C.No.987 of 2001. The said Kannan pleaded guilty and paid a fine of Rs.600/- on 08.10.2001. Hence, it is found that a false insurance claim made. During that period, fake insurance claims investigated on the directions of the High Court by CBCID. The Divisional manager of Insurance Company/PW1 lodged a complaint and the CBCID sent a communication in RC.No.C6/726/010129/2005 along with the complaint of the Divisional Manager of the Insurance Company. The Inspector of Police, Kilpennathur Police Station registered a case in Crime No.317 of 2005 for the offence under Section 420 IPC against the said Venkatesan, Sadasivam, Sivakumar, Advocate and Damodaran, Head Constable. On completion of investigation, charge sheet filed in C.C.No.97 of 2013 arraying three persons as accused, namely Narayanamoorthy/A1, owner of the vehicle, S.Kannan/A2, a person who was substituted as rider and the petitioner/A3 Special Sub-Inspector of Police who filed the charge sheet in S.T.C.No.987 of 2002.

4.During trial PW1 to PW11 examined and Ex.P1 to Ex.P9 marked on



the side of the prosecution. On the side of the defence, no witness examined and no documents marked.

5.The contention of the learned counsel for the petitioner is that in this case, the occurrence took place on 08.03.2001. PW3/Sadasivam and PW4/Venkatesan riding a cycle and they were hit by a two-wheeler from behind. Both fell down, sustained injuries and taken to Government General Hospital, Thiruvannamalai by their friends, PW5/Mohammed Ghouse, PW6/Sivakumar and PW10/Kamaraj. In this case, PW3 and PW4 are the rider and pillion rider of the cycle. Both confirmed that they did not see the vehicle and the rider of the bike hitting them from behind, they were informed that a Pondicherry registered vehicle caused the accident and it was driven by Narayanamoorthy. PW5, PW6, and PW10 hearing the sound reached the accident spot, they have not seen the accident proper. PW5 a Siddha Doctor, PW6 running a rice mill and PW10 is a Driver, all three after the accident saw the crowd gathering and went near the crowd, found their friends PW3 and PW4 with injuries. They took PW3 and PW4 to the Government General Hospital, Thiruvannamalai where PW8/Casualty Doctor, examined them and issued Accident Registers/Ex.P3 and Ex.P4. In the Accident Register of PW3 two-wheeler vehicle No.TN-25-A-6289



recorded. PW3's evidence is that two Policemen came to the Hospital and gave him a chit with vehicle number and he informed PW8 who wrote it in the Accident Register. On the contrary, PW8/Doctor did not state about any slip handed over to him, but states that it was PW3 who gave details of the vehicle number. PW10 states that he informed PW8 that a Pondicherry registered vehicle involved in the accident, but PW8 does not state so. Hence, whether Tamil Nadu registered vehicle or Pondicherry registered vehicle involved in the accident is not known. It is seen that Head Constable Damodaran registered the FIR and recorded the statements of the witnesses. The Pondicherry registered vehicle was sent to the Motor Vehicle Inspector, and his report/Ex.P7 confirms that the two-wheeler bearing registration No.PY-01-Q-5832 had valid insurance up to 07.02.2002. In this case, the accident took place on 08.03.2001 and the vehicle of Narayanamoorthy was covered with insurance. Hence, there is no need to substitute the vehicle number with Tamil Nadu registration No.TN-25-A-6289. The other reason projected against the petitioner is that in the FIR, the rider of the two wheeler name is Narayanamoorthy but in the charge sheet in S.T.C.No.987 of 2001, the rider of the vehicle was shown as S.Kannan, this substitution done since Narayanamoorthy is employed as Conductor in State Transport Corporation and if were to get convicted, he would loose his job. Further



when the petitioner took up investigation from the said Damodaran, he recorded further statements of PW3 and PW4 and later substituted the rider of the vehicle from Narayanamoorthy to Kannan which is not sustainable for the reason that none of the witnesses, namely, PW3 to PW6 and PW10 stated that they have seen Narayanamoorthy riding the vehicle and caused the accident. On the other hand, PW3 and PW4 state, they were informed it was Narayanamoorthy who rode the bike and caused the accident. PW5, PW6 and PW10 confirm that they came to the scene of occurrence after the accident. Hence there is no iota of truth to show that the petitioner substituted the rider of the two wheeler who caused the accident. Further it is only an accident case and there is no necessity to substitute the rider of bike and if at all the accused pleads guilty, a fine of Rs.600/- would be imposed as imposed to S.Kannan and paying fine will not affect Narayanamoorthy service in Transport Corporation. The admitted position is that if any fine is paid which is 1/3rd of basic pay, it will not affect the service of the Transport employee. The further case projected is that Narayanamoorthy/A1 in this case is a Conductor employed in State Transport Corporation but there is no material produced to prove his employment.



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6.The learned counsel further submitted that PW1/Branch Manager of Insurance Company speaks only about suspecting the claim and thereafter forwarded it to PW2 for enquiry. PW2 after conducting enquiry confirms that the vehicle bearing registration No.PY-01-Q-5832 was covered with insurance and it was not a fake claim. The only doubt caused to him was that in the FIR, the rider of the two wheeler was shown as Narayanamoorthy but in the charge sheet in S.T.C.No.987 of 2001, one S.Kannan shown as rider and accused and he pleaded guilty and paid the fine amount. PW2 gave a report/Ex.P2 but his report is not with any statements. In this case, admittedly when the Insurance Company gave a complaint and a case in Crime No.317 of 2005 registered, there were four named accused, namely, Sadasivam/PW3, Venkatesan/PW4, Sivakumar, Advocate who filed the claim petitions and Damodaran, Head Constable who registered FIR in Crime No.101 of 2001 and recorded the statement of witnesses. All these four persons name dropped and in the charge sheet, Narayanamoorthy, Kannan and the petitioner shown as A1 to A3. The Investigating Officer admits that in the charge sheet, no reason given as to for what reason the named accused in the FIR were dropped and how the petitioner and others were arrayed as accused. The entire case by the respondent proceeded only

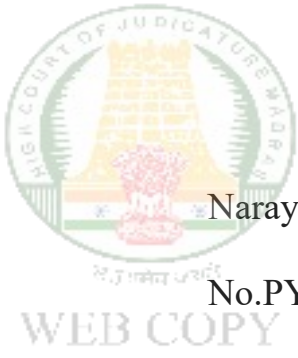
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on surmises and conjunctures. The Trial Court as well as the Lower Appellate Court not considered the evidence in its entirety but convicted the petitioner and two others. PW3 and PW4 filed Motor Accidents Claim Petition in MCOP.Nos.187 and 188 of 2003 and later withdrawn the claim petitions, which leads to an inference that they made a false claim, but failed to look into the fact that PW3 and PW4 admit that only on the pressure exerted by the CBCID police, they were forced to withdraw and not prosecuted the accident claim petitions. In this case, strangely the Advocate Sivakumar, who filed the claim petitions and Damodaran, Head Constable, who registered the FIR and conducted initial investigation both neither shown as accused nor shown as witness. Hence, the finding of both the courts below is on a misreading of the evidence and perverse, which needs to be set aside.

7.The learned Government Advocate (Crl. Side) submitted that in this case, the Branch Manager of the Insurance Company lodged a complaint causing doubt on the claim petitions filed by PW3 and PW4 in MCOP.Nos.187 and 188 of 2003. On a bare perusal of the claim petitions and the annexed documents, it is seen that in the FIR in Crime No.101 of 2001, the rider of the bike who caused the accident is mentioned as

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Narayanamoorthy and the vehicle involved is a bike bearing registration No.PY-01-Q-5832, but in the Accident Register/Ex.P3, vehicle number TN-25-A-6289 is mentioned. The evidence of PW3 is that this vehicle number was written in a slip and given to him by two policemen who enquired him in the Hospital and he further states that the slip of paper was handed over to PW8, based on which, the vehicle number TN-25-A-6289 written in the Accident Register. Further, Damodaran, Head Constable, who recorded the statement of witnesses, confirm that it was Narayanamoorthy who was the rider of the vehicle. In this case, PW3 and PW4 state that they were informed that it was Narayanamoorthy who rode the vehicle and his friends, PW5, PW6 and PW10 confirm the same. PW10 clearly states that it was a Pondicherry registration two-wheeler which caused the accident and he gave the vehicle number to PW8/Casualty Doctor. PW1/Branch Manager of Insurance Company referred the claim to PW2/Private Investigator, who conducted enquiry, collected documents from the police station and found the discrepancy in the substitution of the rider of the bike from Narayanamoorthy to Kannan and the attempt of substituting the vehicle since A1/Narayanamoorthy is employed in the State Transport Corporation and to save him from his departmental action, the substitution made.

Narayanamoorthy, the rider of the bike is working in the State Transport



Corporation is recorded in FIR/Ex.P6 in Crime No.101 of 2001. Thus, the case initially projected against Narayanamoorthy after petitioner took up investigation, he substituted the name of Narayanamoorthy with that of Kannan and to justify the same, he recorded further statement of witnesses and filed the charge sheet in S.T.C.No.987 of 2001 in a haste, A2 appeared and pleaded guilty. Since long time elapsed, complete records could not be retrieved but the records which have been collected so far confirm forgery and cheating committed by the petitioner and two others. The Trial Court rightly convicted the petitioner from the evidence produced and the Lower Appellate Court independently considered the evidence and materials and confirmed the conviction. In this case, the petitioner sustained two concurrent findings, which needs no interference. Hence, prayed for dismissal.

8.Considering the submissions made on perusal of the materials, it is seen that case proceeds on the complaint lodged by the Divisional Manager, New India Assurance Company, who on the receipt of the claim petitions in MCOP.Nos.187 and 188 of 2003 by PW3 and PW4 forwarded the same to PW2, a Private Investigator for the Insurance Company, who conducted enquiry and found that the named accused in FIR in Crime No.101 of 2001,

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substituted with another person, namely, S.Kannan. In this case, the accident took place on 08.03.2001 and the injured PW3 was pedalling the cycle and PW4 sitting behind, at that time, a bike came from behind, hit them and both fell down, sustained injuries. The evidence of PW3 and PW4 is that they did not see the bike hitting them from behind. PW3 fainted after the accident and PW4 sustained injuries. Thereafter, PW5, PW6, and PW10, who all residing nearby and friends of PW3 and PW4 on hearing the sound of the accident, saw crowd gathering, rushed to the accident spot and took PW3 and PW4 to the Government General Hospital, Tiruvannamalai, where PW8/Casualty Doctor admitted them and gave treatment. PW8 issued Ex.P3 and Ex.P4, Accident Registers of PW3 and PW4 and there is no reference to any rider of the two-wheeler. In Ex.P3, the vehicle No.TN-25-A-6289 recorded. PW3 states that when he was in the Hospital during treatment, two Policemen came there and gave a chit with bike number which he gave to PW8 but PW8 does not state anything about receiving any slip. Further, the evidence of PW10 is that he informed Pondicherry registration number of hte bike but PW8 does not state anything about PW10. In FIR/Ex.P6, Pondicherry registration No.PY-01-Q-5832 clearly recorded. It is to be noted that the FIR was registered four days after the accident and FIR registered and initial investigation conducted by Damodaran, Head Constable. All



witnesses, PW3 to PW6 and PW10 are categorical that they were only informed about the vehicle number and the rider of the vehicle was Narayanamoorthy. When the petitioner took up the investigation, he ascertained the facts and re-confirmed with PW3 and PW4, who in their further statements confirm that it was Kannan, rider of the bike. The two-wheeler was sent to Motor Vehicle Inspector and Ex.P7/Motor Vehicle report confirms that the rider of the vehicle was Kannan and the owner of the two-wheeler was Narayanamoorthy. Added to it, the bike was covered with insurance with the New India Insurance Assurance Company and the insurance was valid upto 07.02.2002. Thus, there was no necessity to substitute the bike as projected. PW11/Investigating Officer confirms he had not conducted any investigation with regard to the Tamil Nadu registration bike but confirms the bike was registered in the name of Raniammal. It is to be noted that in this case, none of the witnesses identified the rider of the bike, namely A1, as the rider of the two-wheeler. PW2 confirms that bike was covered with insurance and there was no necessity for substitution. The accused name substituted in the charge sheet, this change by alteration report was based on the further statement of the witnesses. It is seen that in this case, judicial order passed after Kannan appeared before the Lower Court who pleaded guilty and paid the fine amount in S.T.C.No.987 of 2001. When



a judicial order passed, unless the same is set aside, no contra investigation can be done by the Investigation Agency finding fault in the judicial order.

Further, PW3 and PW4 withdrawing the claim petitions alone cannot be looked against the petitioner when the PW3 and PW4 had categorically stated that they had withdrawn the accident claim and not prosecuted, due to the pressure and force exerted on them. PW3 and PW4 getting injured in the accident and taken treatment in the Hospital, all have been confirmed. Hence, it is not a fake claim. Added to it, none of the witnesses identified the rider of the bike in the Court. The only other suspicion raised by the Courts below is that Narayanamoorthy is employed in State Transport Corporation as Conductor and this accident case might affect his career which is also not sustainable. Further, no materials produced to show that the said Narayanamoorthy was employed in State Transport Corporation. Thus, considering the case from any angle, it is clear that the findings of both Courts below not sustainable. In view of the above, this Court holds that the prosecution miserably failed to prove the case beyond all reasonable doubt against the petitioner. Hence, this Court set aside the judgments of the Courts below.

9. In the result, this Criminal Revision Case stands allowed. The



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judgment dated 27.09.2019 in C.C.No.97 of 2013 passed by the learned Judicial Magistrate No.I, Thiruvannamali (Trial Court) and the judgment dated 22.11.2021 in Crl.A.No.35 of 2019 passed by the learned Principal District and Sessions Judge, Thiruvannamalai (Lower Appellate Court) both set aside. The petitioner/A3 is acquitted from all charges. Bail bond if any executed shall stand cancelled. Fine amount if any paid shall be refunded.

20.02.2026

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

- 1.The Principal District and Sessions Judge,
Thiruvannamalai District.
- 2.The Judicial Magistrate No.I,
Thiruvannamalai
- 3.The Inspector of Police,
District Crime Branch,
Thiruvannamalai,
Thiruvannamalai District.
- 4.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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