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CRL RC No. 1706 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**RESERVED ON: 16-03-2026**

**PRONOUNCED ON: 30-03-2026**

CORAM

**THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN**

**CRL RC Nos.1706 to 1709, 1711 to 1718, 1724 to 1727 of 2025**

1. Selvi

W/o. Palani, Mariyamman Koil Street,  
Kil Edayalam Village,  
Tindivanam Taluk.

Petitioner(s) in all  
Crl.RCs

Vs

1. State Rep by,  
The Station House Officer,  
District Crime Branch (DCP),  
Villupuram District.  
Cr.No. 17/2010.

Respondent(s) in al Crl.RCs.

**PRAYER**

Criminal Revision Cases filed under Section 438 r/w 442 of Bharatiya Nyaya Sanhita praying to Set aside the Judgment dated 29.08.2025 made in CA.No.23, 20, 19, 18, 14, 15, 24, 25, 21, 26, 16, 17, 29, 28, 22 & 27 of 2025 on the file of the I Additional District and Sessions Court, Tindivanam confirming the Judgment dated 05.04.2025 made in CC.No.51, 48, 47, 46, 42, 43, 52, 53, 49, 54, 44, 45, 57, 56, 50 & 55/2011 on the file of the Judicial Magistrate Court No.II, Tindivanam by allowing the Criminal Revision Petitions.



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For Petitioner(s): Mr.V.Elangovan

For Respondent(s): Mr.R.Kishore Kumar  
Government Advocate  
(Crl.Side)

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### **COMMON ORDER**

The present Criminal Revision Cases arising against the judgment dated 29.08.2025 made in CA.No.23, 20, 19, 18, 14, 15, 24, 25, 21, 26, 16, 17, 29, 28, 22 & 27 of 2025 on the file of the I Additional District and Sessions Court, Tindivanam confirming the Judgment dated 05.04.2025 made in CC.No.51, 48, 47, 46, 42, 43, 52, 53, 49, 54, 44, 45, 57, 56, 50 & 55 of 2011 on the file of the Judicial Magistrate Court No.II, Tindivanam for the offence under Section 420 of IPC.

2.Since all the Criminal Revision Cases arising against crime No.17 of 2010 and in respect of the same petitioner, this Court is inclined to dispose of the same by way of a common order.

3.The brief facts which are necessary for the disposal of the present Criminal Revision Cases are that, a case was registered against the petitioner in Crime No.17 of 2010 alleging that this petitioner along with one Mohanasundaram have committed the offence of cheating punishable under Section 420 of IPC, by receiving money from different persons over a period



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from January 2009 to May 2009. According to the prosecution, this petitioner is a daily wager and got acquaintance with Mohanasundaram (A2), who was a Branch Manager of State Bank of India. It is the further case of the prosecution that this petitioner and Mohanasundaram(A2), in order to lead a luxurious life, have falsely induced one Mr.Vadivelan (PW1) and Mr.Dhanavel (PW7) with dishonest and fraudulent intention and committed a wrongful loss and thereby, they have committed an offence under Section 420 IPC. It is the prosecution case that the petitioner and the other accused have fraudulently and dishonestly represented to the witnesses that they have got Rs.30 crores in their account and that to release the above amount, they need to pay taxes of Rs.30 lakhs, and on that pretext demanded the sum with the witnesses. Due to the intentional inducement, the witnesses parted the amount, whereas later on they came to know that no amount was in the petitioner's account and that the very statement made by them is a false one. Thereafter, they gave a police complaint against the petitioner. Since PW1 and PW7 had paid the amount through various persons at different time, the Investigating Officer has filed 16 final reports in compliance with Section 219 Cr.P.C., and the cases were also taken on file separately in C.C.No.42 to 57 of 2011.



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4. Before the Trial Court to prove the charges, 13 witnesses were examined, 23 documents and 3 Material Objects were marked.

5. After considering the oral and documentary evidence, the learned Judicial Magistrate-II, Tindivanam found both the accused guilty for the offence under Section 420 IPC vide order dated 05.04.2025.

6. Aggrieved with the same, the petitioners preferred the Criminal Appeals before the learned I Additional District and Sessions Judge, Tindivanam and all the appeals were dismissed on 29.08.2025. Though the Trial Court has not passed any specific order as to how the sentence of imprisonment to be undergone, in all the 16 cases, the learned Appellate Judge, by invoking Section 467(1) of BNSS ordered that all the sentences to run concurrently. Aggrieved with the order of Criminal Appeals, the present Criminal Revision Cases have been filed.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent.

8. The learned counsel for the petitioner would submit that the lower



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Court failed to appreciate the oral and documentary evidence more specifically, the evidence of key witnesses [PW1 and PW7]. It is also his submission that the very conduct of the witnesses parting with huge sum of Rs.30 lakhs without any proof for payment, would clearly demonstrate that the case of the prosecution is false and without any evidence. The learned counsel would further submit that the entire case of the prosecution rests upon the alleged affair between the petitioner and A2, whereas there were no witnesses stated the above allegation and also there is no proof as to the common intention between the petitioner and Mohanasundaram (A2). The learned counsel would submit that the recovery of jewels was only from the pawn broker shop and the same cannot be construed as discovery of fact in furtherance of the confession made by this petitioner. It is also the submission of the learned counsel that the Trial Court as well as the Appellate Court have found the accused guilty only based upon surmises and conjectures. Hence, prayed to interfere with the order of the Trial Court and the Appellate Court and prayed to acquit the petitioner from all the charges.

9.Per contra the said contention was stoutly objected by the learned Government Advocate (Criminal Side) and would contend that the contours



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of Criminal Revision is very limited. He would further submit that unless there is a perversity in the finding of the inferior Court, question of interfering with the order is erroneous. The learned Government Advocate would further submit that mere possibility of an alternative finding will not give any benefit to the petitioner as this Court should be slow in substituting its own finding in the place of plausible and reasonable finding given by the Courts below. It is the further submission of the learned Government Advocate that through PW1 and PW7 they had proved the prosecution case beyond reasonable doubts, which factum could also be further vindicated through the recovery of the material objects. Accordingly, he contended that there are no grounds to interfere with the orders of the Courts below.

10.I have given my anxious consideration to either side submissions.

11.Before we delve into the submissions made by either side, it is relevant to set out the contours and the scope of the Criminal Revision.

(a).The very purpose of Section 397 Cr.P.C vests this Court with a power to call for and examine the records of the inferior Courts for the purpose of satisfying itself as to the legality and regularity of any proceedings or order made in a



case.

(b).The very object of this provision is to set right a patent defect or an error of jurisdiction or law. In order to invoke the Revisional jurisdiction, there has to be a well founded error and it may not be appropriate for the Court to scrutinise the orders, which upon the face of them bear a token of careful consideration and appear to be in accordance with law.

(c).In order to invoke the Revisional jurisdiction, the decisions under challenge should be grossly erroneous and with total non compliance with the provisions of law.

(d).The Revisional Court may also exercise its power when the findings recorded is based on no evidence or when the material evidence was ignored or when the judicial discretion was exercised arbitrarily or perversely.

(e).It is also relevant to mention that the Revisional jurisdiction cannot be exercised in a routine manner.

In this regard, it is appropriate to refer the judgment of the Hon'ble Supreme Court in *Amit Kapoor Vs. Ramesh Chander and others* reported in (2012) 9 SCC 460.

12.Keeping in mind with the above legal contours, let us proceed with the submissions of the petitioner and findings rendered by the Appellate Court.



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13.The main contention on the part of the petitioner is that, there was no proper appreciation of evidence by the Appellate Court. However, while looking into the reasoning given by the learned I Additional Sessions Judge regarding the challenge raised against framing of charge, the Appellate Court has extracted the recitals of the charge and had demonstrated that the charges are in conformity with Section 213 of Cr.P.C. This Court has also perused the charge and while reading the same, this Court could not find anything or factor to show any failure of justice occasioned or caused to the petitioner.

14.Yet another submission put forth by the learned counsel for the petitioner is with reference to Section 23 of the Indian Contract Act. He would submit that the very narration of the prosecution case is nothing, but a contract against the public policy. Though the said arguments appears to be attractive and appealing, while closely scrutinising the prosecution case, this petitioner had induced the witnesses to part with their money on the ground that she has got Rs.30 crores, and to release the above amount, she needs to pay income tax, and for which, she sought help from the witnesses. Further, though a cheque was drawn in favour of the witnesses for a huge sum, according to the prosecution case, after collection of the cheque amount, the



witnesses would be eligible only for the amount which they had actually parted with the petitioner. Thus, from the narration of the prosecution case and the evidence adduced before the Trial Court, this Court could not find any material as to say that the agreement is against the public policy. Therefore, this argument of the petitioner also must fail.

15. Coming to the proof of charges, PW1 had spoken about the payment made to the petitioner, and how the petitioner had induced PW1 so as to suffer a wrongful loss. PW1 had spoken about the nature of inducement and the role of A2 as A2 by showing computer to the PW1 and made him to believe the petitioner's account has a credit of Rs.30 crores. Only after their calculated and deliberate inducement, PW1 had parted the amount with this petitioner. The said factum was further corroborated with the evidence of PW7 and PW12.

16. On harmonious reading of the findings rendered by the Trial Court, which later confirmed by the Appellate Court, this Court could not find any perversity in the same. Though the learned counsel for the petitioner attempted to bring about certain improbabilities, this Court is of the



indubitable view that as long as the findings rendered by the inferior Court is plausible one, the same cannot be substituted. In such view of the fact, this Court is not persuaded with the submissions made by the learned counsel for the petitioner.

17. At this juncture, it is also relevant to extract the judgment relied by the appellate Court. The relevant portion of the judgment of the Hon'ble Supreme Court in ***Deepak Gaba and others Vs. State of UP and others*** reported in (2023) 3 SCC 423 is extracted below:-

*“18. In order to apply Section 420 of the IPC, namely, cheating and dishonestly inducing delivery of property, the ingredients of Section 415 of the IPC have to be satisfied. To constitute an offence of cheating under Section 415 of the IPC, a person should be induced, either fraudulently or dishonestly, to deliver any property to any person, or consent that any person shall retain any property. The second class of acts set forth in the section is the intentional inducement of doing or omitting to do anything which the person deceived would not do or omit to do, if she were not so deceived. Thus, the sine qua non of Section 415 of the IPC is “fraudulence”, “dishonesty”, or “intentional inducement”, and the absence of these elements would debase the offence of cheating. [Iridium*



*India Telecom Ltd. v. Motorola Inc., (2011) 1 SCC 74, AIR 2011 SC 20] Explaining the contours, this Court in Mohd. Ibrahim v. State of Bihar [Mohd. Ibrahim v. State of Bihar, (2009) 8 SCC 751. This Court observed that for the offence of cheating, there should not only be cheating, but as a consequence of such cheating, the accused should also have dishonestly adduced the person deceived to deliver any property to a person; or to make, alter, or destroy, wholly or in part, a valuable security, or anything signed or sealed and which is capable of being converted into a valuable security.”*

18. According to the above judgment, in order to prove a charge under Section 420 IPC, the ingredients under Section 415 of IPC has to be proved, and to prove ingredient of Section 415 of IPC, there must be a fraud, dishonest or intentional inducement. From the narration of the prosecution evidence, more particularly through PW1, PW7 and PW12, these ingredients have been made out beyond reasonable doubts. As a consequence of cheating, the witnesses had suffered a wrongful loss. Therefore, this Court is of the firm view that the findings rendered by the Court below that the charge under Section 420 IPC has been proved beyond reasonable doubts is perfectly in order, and this Court could not find any material to deviate from such well merited finding.



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19. Accordingly, all the Criminal Revision Cases are dismissed.

**30-03-2026**

Index: Yes

Speaking order

Internet: Yes

Neutral Citation: Yes

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To

1. The I Additional District and Sessions Court,  
Tindivanam.

2. The Judicial Magistrate No. II,  
Tindivanam.

3. State Rep by,  
The Station House Officer,  
District Crime Branch (DCP),  
Villupuram District.



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**C.KUMARAPPAN J.**

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**Pre-Delivery Order in  
CRL RC Nos.1706 to  
1709, 1711 to 1718, 1724  
to 1727 of 2025**

**30-03-2026**