



Crl.R.C.(MD)No.291 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:09.02.2026

CORAM:

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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Sheik Atham

... Petitioner

Vs

The State Represented by,
The Inspector of Police,
City Crime Branch,
Tirunelveli District Crime Branch,
Tirunelveli District.
(Crime No.04 of 1999)

... Respondent

Prayer: To Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C, to set aside the order dated 24.10.2018 in C.A.No.24 of 2015 on the file of the III Additional District Judge, Tirunelveli and by confirming the judgment dated 10.03.2015 passed in C.C.No.361 of 2002 on the file of Judicial Magistrate No.1, Tirunelveli.

For Petitioner : Mr.N.Satheeshkumar

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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The Present Criminal revision has been filed challenging the order dated 24.10.2018 in Crl.A.No.24 of 2015 on the file of the III Additional District Judge, Tirunelveli, whereby the order of Trial court has been confirmed.

2. Brief Facts:

2.1. Petitioner worked as a Manager of the Cooperative Stores at Pettai. It was alleged that on 23.06.1996, petitioner made entries in the day books of the Cooperative Stores, showing purchase of 40 empty barrels, though no empty barrels were purchased and misappropriated a sum of Rs.20,030/-. On 19.07.1997, petitioner prepared a forged voucher for Rs.25,000/- without getting any permission or sanction from the President of the Society and misappropriated the said amount. On 31.12.1997, petitioner made entries in the account books showing no closing balance, though closing balance of Rs. 20,257.50/- was available and the same was misappropriated.

3. On the basis of the above it was alleged that during the period 23.06.1997 to 31.12.1996, petitioner misappropriated funds to the tune of Rs. 62,287.50/-. It was alleged that petitioner is a public servant entrusted with public money and the above act would constitute an offence punishable under



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Section 409 of IPC, the act of forgery in creating a voucher for the purposes of grant of loan, would attract Section 465 of IPC and misappropriation through false entries in the books of accounts of the Society would attract offence under Section 477A of IPC.

4. The Trial Court found the petitioner guilty of the above offences and imposed the following sentence:

i) to undergo one year Rigorous imprisonment and to pay a fine of Rs. 1000/- in-default, to undergo three months Rigorous Imprisonment for the offence under Section 409 of IPC.

ii) to undergo three months Rigorous imprisonment and to pay a fine of Rs.500/-in-default, to undergo one month Rigorous Imprisonment for the offence under Section 465 of IPC.

iii) to undergo six months Rigorous imprisonment and to pay a fine of Rs. 1000/-in-default, to undergo three months Rigorous Imprisonment for the offence under Section 477(A) of IPC.

5. Aggrieved, petitioner preferred an appeal before learned III Additional District Judge, Tirunelveli. The Appellate Court confirmed the order of the Trial Court.



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6. Against the said order, petitioner preferred the present Criminal revision case *inter alia*, on the following grounds:-

- a) The petitioner is not working in the Pettai Co-operative Society.
- b) There is no documentary evidence to show that the petitioner committed the offence alleged by the prosecution.
- c) There is no confession statement by the petitioner. Rather, the confession statement is falsely prepared by the respondent police, which petitioner was compelled to sign under threat and coercion.

7. On the other hand, the Mr. Thiruvadikumar, learned Additional Public Prosecutor would submit that the findings of the Trial Court, which stood affirmed by the Appellate Court, does not warrant any interference. He would further submit that the above finding is on the basis of evidence. In this regard, he would place reliance upon the findings recorded by the Trial Court which would show that the courts below had passed orders on the basis of evidence and well reasoned thus does not warrant interference. He would further submit that the above findings are essentially findings of fact that has been affirmed by the Appellate Court. He would thus submit that this is a case where there are concurrent findings of fact based on evidence and thus this court would not interfere unless the orders of the courts below are shown to be perverse.



8. Heard the learned counsel on either side and perused the materials on record.

9. This Court is of the view that the findings of the Courts below are based on evidence and well reasoned as could be seen from the following:

1st Charge: Bogus entry of purchase of 40 empty barrels, though no such purchase was made as evident from the fact that the Van stated to have been used to transport the empty barrel is a Van meant for transporting passenger and is neither meant nor can be used for transport of empty barrels - Reliance placed in support thereof on statement of P.W.6, 7 and 11 and Ex.P4 and P6.

2nd Charge: Bogus entry of Rs.25000/- in Daily register – Reliance placed on Statement of P.W.3, P.W.13 and Ex.P12.

3rd Charge: Closing balance of Rs.20,257/- though available shown as unavailable thereby misappropriated as evident from the statement of P.W.2, 5, 13 and Ex.P3.



10. This Court finds that there is merit in the submission of the learned Additional Public Prosecutor. It is trite that where the facts, circumstances and the background are sufficiently truth revealing and where both the trial and the appellate Courts have concurrently arrived at the truth not perfunctorily but by a process of well-grounded reasoning, it would not be just and proper for the High Court to interfere with the finding of fact.¹ Generally speaking, concurrent findings of fact arrived at by two Courts below are not to be interfered with by the High Court in absence of any special circumstances or if same are perverse, in any manner.² Concurrent findings of fact showing no error cannot be interfered with.³

11. Applying the above settled principles to the present case, the concurrent finding of the Court below are based on proper appreciation of evidence and well reasoned, as could be seen from the discussions supra. There is no error much less one which is perverse.

12. In view thereof, this Court does not find any reason warranting interference with the impugned order.

1 Sushil Kumar Datta v State, 1985 Cr LJ 1948, 1955 (Cal-DB)

2 State of Karnataka v Appa Balu Ingale, AIR 1993 SC 1126; 1993 Cr LJ 1029 : 1995 Supp (4) SCC 469; Bashir Ahmad v State, 1989 (2) Crimes 521 (J&K)

3 Sombhai Mangal Bhai Dabhi v State of Gujarat, 1989 Cr LJ 1945 (Guj); Sita Ram v State of UP, AIR 1966 SC 1906 : 1966 Cr LJ 1519; Ratha Jena v State of Orissa, 1986 Cr LJ 490 (Ori); Bipin Bihari v State of Orissa, 1986 Cr LJ 406 (Ori)



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13. However, keeping in view that the offence itself was committed 30 years back, petitioner has also superannuated and that he suffers from age related ailments, this Court is inclined to modify the sentence by directing the the petitioner to pay a fine of Rs.1,00,000/- for the offence under Section 409 of IPC within a period of 4 weeks from the date of receipt of a copy of this order, in-default, to undergo three months Rigorous Imprisonment for the offence under Section 409 of IPC; pay a fine of Rs.50,000/- for the offence under Section 465 of IPC within a period of 4 weeks from the date of receipt of a copy of this order, in-default, to undergo three months Rigorous Imprisonment for the offence under Section 465 of IPC; and pay a fine of Rs.50,000/- for the offence under Section 477A of IPC within a period of 4 weeks from the date of receipt of a copy of this order, in-default, to undergo three months Rigorous Imprisonment for the offence under Section 477A of IPC.

14. The Criminal Revision Petition stands disposed of on the above terms.

No costs.

09.02.2026

Index :yes/No
Internet:yes/No
rgm



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To:

1. The Inspector of Police,
City Crime Branch,
Tirunelveli District Crime Branch,
Tirunelveli District.
(Crime No.04 of 1999)
2. The Judicial Magistrate No.1, Tirunelveli
3. The III Additional District Judge, Tirunelveli
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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MOHAMMED SHAFFIQ, J.

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