

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II, VELLORE

PRESENT : Tmt.R.Rudhra,B.E., L.LB(Hons),LLM.

Judicial Magistrate No.II, Vellore.

Dated this Thursday 30th day of July 2026

CC.No. 429 of 2015

CNR-TNVL03-001520-2015

State Represented by

Inspector of Police

District Crime Branch-II, Ranipet.

Crime No. 31 of 2013.

...Prosecution

//Vs//

A1) Nagesh, age-59, (Died)

S/o. Harirav,

Uriyur Village, Thakkolam,

Arakonam.

A2) Marttin @ Shankar, age-57,

S/o.Sanjeevi,

Old Post Office Street,

Uriyur, Arakonam.

...Accused A1 to A2

PARTICULARS UNDER RULE 106 OF CRIMINAL RULES OF PRACTICE

Serial Number	C.C.No. 429/2015 in CNR No. TNVL03-001520-2015
Name of the Police Station and Crime Number	DCB-II, Ranipet. Crime No. 31 of 2013

Name of the Accused	A1) Nagesh, age-59, (Died) S/o. Harirav, Uriyur Village, Thakkolam, Arakonam. A2) Marttin @ Shankar, age-57, S/o.Sanjeevi, Old Post Office Street, Uriyur, Arakonam.
Age of the Accused	
Father's Name of the Accused	
Address of the accused	
Date of Occurrence	06.07.2005 – 18.09.2009
Date of Complaint	22.05.2013
Date of Apprehension	A1 -17.06.2013 A2 -05.06.2013
Date of Release on bail	A1 -19.06.2013 A2 -06.06.2013
Date of Commitment	Not applicable
Date of Commencement of Trial	10.10.2015
Date of Closure of Trial	22.07.2026
Date of Sentence or Order	30.07.2026
Explanation of delay	--

CASE SUMMARY

Serial No.	Particulars	Details
I	Period of Remand of Accused	A1 -17.06.2013 to 19.06.2013 A2 -05.06.2013 to 06.06.2013

II	Date of filing of final report	12.06.2015
III	Date of questioning of accused U/S.263 BNSS	10.10.2015
IV	Filing of miscellaneous petitions	Petition filed under Section 311 Cr.P.C in CrI.M.P.No.2044/2016 dated 29.11.2016 and allowed
V	Date of examination in chief and cross examination of witnesses	CHIEF CROSS PW1- 08.06.2016 & 05.04.2017 PW2- 08.06.2016 & 22.11.2017 PW3- 04.10.2016 & 20.09.2017 PW4- 04.10.2016 & Nil PW5- 04.10.2016 & Nil PW6- 01.11.2016 & Nil PW7- 09.05.2025 & 09.05.2025 PW8- 12.08.2025 & Nil PW9- 12.08.2025 & Nil PW10- 12.08.2025 & Nil PW11- 14.10.2025 & 14.10.2025 PW12- 14.10.2025 & 14.10.2025 PW13- 27.01.2026 & 27.01.2026 PW14- 24.02.2026 & 24.02.2026 PW15- 06.03.2026 & 12.03.2026 PW16- 25.06.2026 & 25.06.2026
VI	Date of examination of accused U/s.351 BNSS	06.07.2026
VII	Details of abscondence of accused	Nil
VIII	Grant of stay by superior court	Nil

In this case, cognisance was taken on 12.09.2015 as CC 123/2015 in the Court of Judicial Magistrate, Arakkonam and transferred to Judicial Magistrate No.II Court, Vellore as per the proceedings of the Hon'ble Chief Judicial Magistrate, Vellore vide Order in Dis. No.2319/2015/B1, dated 10.08.2015 and taken on file as CC 429/2015 and came up for final hearing on 22.07.2026 before this court, in the presence of Learned Assistant Public Prosecutor Grade I and Tr.R.Goverthanam, Learned Counsel for the accused, having stood over for consideration till this day, upon perusing the records and hearing both side arguments, this court delivers the following

Judgement

1) Case of the prosecution:

The case of the prosecution, in brief, is that one Soolan (PW6), son of Veeran, along with his brother Sarmudi, was entitled to 17 cents of land comprised in Survey No.89 of Uriyur Village, Arakkonam Taluk, the same being ancestral property of their father Veeran. Under a registered family settlement dated 07.11.1986, the said 17 cents came to be divided equally between the two brothers, allotting 8½ cents each. On 29.11.2001, Sarmudi conveyed his 8½ cents share to his brother Soolan under registered Document No.1913/2001, thereby consolidating the entire extent of 17 cents in the hands of Soolan. On 08.07.2005, Soolan sold the said entire extent of 17 cents to the complainant, Chandran (PW1), under registered Sale Deed No.1952/2005. PW1 thereafter entered into possession, constructed a residential house upon the property and has, according to the prosecution, since remained in lawful possession and enjoyment thereof. It is the further case of the prosecution that the first accused, Nagesh (since deceased), by misusing and impersonating the name of one Balakrishnan, whose name figured as a co-sharer in an old Encumbrance Certificate pertaining to the year 1934,

fraudulently procured four General Power of Attorney documents purportedly executed in his favour, namely, Document No.124/2005 dated 06.07.2005 registered at the Sub-Registrar Office, Arakkonam; Document No.67/2005 dated 21.01.2005 registered at the Sub-Registrar Office, Pallipattu; and Document Nos.101/2006 dated 15.05.2006 and 112/2006 dated 19.05.2006, both registered at the Sub-Registrar Office, Tiruttani. The said Powers of Attorney were shown to have been executed in favour of Nagesh by persons styling themselves as Balakrishnan, Mani, and the purported joint legal heirs of one Ranganatha Chettiar, none of whom, according to the prosecution, could subsequently be traced or shown to be genuine, real persons possessing any title to the suit property and on the strength of the said forged Powers of Attorney, Nagesh purported to deal with the very same 17 cents of land, notwithstanding that the same already stood conveyed to and was in the possession of PW1. He split the extent into five parcels of 3 cents each and executed successive registered Sale Deeds thereof in favour of Jeyasudha (twice, under Document Nos.2815/2006 dated 16.03.2006 and 2816/2006 dated 17.05.2006), Souriraj (Document No.2817/2006 dated 17.05.2006), Govindammal (Document No.2818/2006 dated 23.05.2006) and Murugan (Document No.2819/2006 dated 24.05.2006). Thereafter, on 18.09.2009, Nagesh executed a further Sale Deed bearing Document No.9454/2009, conveying the entire extent of 17 cents in Survey No.89 in favour of the second accused, Martin @ Shankar, notwithstanding that he possessed no subsisting or lawful title to convey, the property having already been parcelled out and conveyed to five other persons and the parent title itself being founded upon forged instruments. It is the case of the prosecution that when the second accused attempted, in the year 2013, to enter upon and clear the suit property, PW1 discovered, for the first time, the existence of the aforesaid chain of forged documents and lodged a complaint before the Office of the Superintendent of Police, Vellore District, on 22.05.2013.

Pursuant thereto, Crime No.31 of 2013 was registered by the Land Grabbing Prevention Special Cell, Vellore, initially for offences under Sections 420, 468, 471, 447 and 120(B) IPC, and, upon further investigation, additionally for offences under Sections 419, 423, 465 and 506(1) IPC and Section 82 of the Registration Act, 1908. It is the case of the prosecution that investigation disclosed the executants of the Powers of Attorney relied upon by Nagesh to be fictitious and untraceable persons, that the said Powers of Attorney and the consequential Sale Deeds were forged documents fabricated with dishonest and fraudulent intent, and that Nagesh and the second accused acted in concert and conspiracy with one another to cheat PW1 and to dishonestly deprive him of property lawfully purchased and possessed by him, and that the second accused knowingly used the said forged chain of title to secure conveyance of, and mutation of revenue records in respect of, the suit property in his own favour.

2) Filing of Final Report

The Inspector of Police, DCB-II, Ranipet, Tr.V.A.Ravichandran, on 07/08/2017, filed the final report under Section 173(2) of the Code of Criminal Procedure against Accused A1 for offences punishable under Sections (here in after U/S) 120(B), 419, 420, 423, 468, 471 of the Indian Penal Code.

3) Supply of Copies

Upon the appearance of A1, A2 accused before this Court, copies of the police report and other case records were furnished to them free of cost, as required under Section 207 of the Code of Criminal Procedure (here in after Cr.P.C).

4) Framing of Charges

On the basis of the final report, and under Section 240(1) of the Code of Criminal Procedure, charges were framed against the accused as follows:

Against A2– U/s 120(B), 419, 420, 468, 471, of the Indian Penal Code (here in after IPC).

The charges framed against A1 were read over and explained to them in Tamil. They were asked whether they pleaded guilty or claimed to be tried. Accused denied the charges and claimed to be tried. Thereafter, the prosecution was directed to produce its witnesses.

5) Evidence of the Prosecution

On the side of the prosecution, PW1 to PW16 were examined and Ex.P1 to Ex.P32 has been marked.

6) Questioning under Section 313(1)(b) Cr.P.C.

After the examination of prosecution witnesses, the accused A2 were questioned under Section 313(1)(b) Cr.P.C. for the purpose of enabling them to explain the circumstances appearing in the evidence against them. On being confronted with the incriminating material, they denied the same as false.

7) Defence Evidence

No witness was examined on the side of the defence.

8) Arguments Advanced

The Learned Assistant Public Prosecutor for the State submitted that the accused herein is guilty and the prosecution has proved their case with sufficient evidence and has proved the case beyond reasonable doubt that the Accused A2 herein has committed the offence charged. On the other hand, the learned counsel for the accused A2 submitted that a false case has been foisted against the accused and further submits that the prosecution had miserably failed to adduce ample evidence to prove the charge against the accused beyond all reasonable doubts since all the witness has turned hostile. Hence, the counsel prayed for acquittal of the accused A2.

9) Point for Determination:-

Whether the prosecution has proved beyond all reasonable doubts that the accused - A2 have committed the offences charged against them?

10) Analysis and Appreciation of Evidence:-

This Court proceeds to appreciate the evidence on record with reference to the essential ingredients of each offence with which the Accused A2 stands charged, to ascertain whether the prosecution has established its case beyond reasonable doubt.

I. Appreciation of Oral Evidence

Evidence on PW1:-

PW1 stated that he was residing at Uriyur Village and was engaged in agricultural work and stated that he knew the accused who was present before the Court and further deposed that he had purchased the suit property under a registered Sale Deed dated 08.07.2005 and identified the document shown to him and stated that the original Sale Deed was filed before the Arakkonam Civil Court and that he was producing a copy of the same before the Court, which was marked as Exhibit P.1 and further stated that the Sale Deed had been registered in the office of the Sub-Registrar, Arakkonam and after purchasing the property, he constructed a house thereon and had been in possession and enjoyment of the property. The witness further deposed that one Nagesh, by misusing the name of Balakrishnan, whose name appeared in the Encumbrance Certificate relating to the year 1934, had fraudulently created a General Power of Attorney in the year 2005 in his own favour by impersonating another person bearing the same name, namely Balakrishnan and further stated that Nagesh had created three additional forged General Power of Attorney documents in his own favour during the years 2005 and 2006, without having any lawful right or title over his property. The witness stated

that he did not know the identity of the persons who had allegedly executed the said forged General Power of Attorney documents in favour of Nagesh. He further deposed that, by relying upon the said forged Power of Attorney documents, Nagesh had, in the year 2006, divided his 17 cents of land into portions of 3 cents each and executed five Sale Deeds in favour of five different persons, despite having no right over the property. He further stated that forged Sale Deeds had been executed in favour of Jayasudha, Shankar, Savariraj, Govindammal, and Murugan. The witness further stated that, in the year 2009, Nagesh once again executed a forged Sale Deed in respect of the same 17 cents of land in favour of Accused No. 2, Shankar. He further deposed that he came to know about the forged Sale Deeds only when Accused No. 2, Shankar, entered upon his property and attempted to clear the land. The witness stated that he thereafter submitted a petition before the Superintendent of Police (S.P.), requesting appropriate action against the forged documents. He identified the said petition, which was marked as Exhibit P.2, and stated that the signature appearing therein was his own.

Evidence on PW2:-

PW2 reside at Uriyur Village and presently not engaged in any employment. P.W.1 is his son and know the accused and his son purchased 17 cents of land situated in Uriyur Village from one Veeran's son, Soolan, under the sale deed marked as Ex.P1. Thereafter, one Nagesh, claiming that the property was ancestral property, obtained powers of attorney from four persons. Subsequent to his son's purchase, the dispute was created by Nagesh. Thereafter, Nagesh executed sale deeds in favour of five persons, conveying 3 cents each out of his son's property. Later, when the accused attempted to trespass upon and encroach into his son's property, and his son lodged a complaint with the police. The two signatures found in the confession statements now shown to him, particularly the signature found in

the second confession statement, are his signatures. The said confession statements are marked as Ex.P3 and Ex.P4 respectively and he signed the said confession statements as an attesting witness when the police arrested Nagesh and Martin and recorded their confession statements. In the said confession statements, Nagesh and the accused disclosed how they had deceitfully dealt with the property purchased by his son and explained the manner in which the documents relating to the property had been created and had stated the above facts during the course of the police investigation.

PW2 during cross-examination deposed that he was residing at Uriyur Colony and admitted that the complaint had been lodged by his son. He further stated that Dinesh Kumar was his grandson and that he was the son of Chandran. He admitted that the property involved in the present case measured 17 cents. He stated that he was 80 years old. He deposed that he was not aware whether the suit property had originally been purchased by one Balakrishna Chetty. He admitted that there was both land and a residential house adjoining the suit property. He stated that Chandran had purchased the property from one Sulan and that the dispute arose only after they had purchased the property and were in possession and enjoyment of the same. He stated that he did not know whether the patta had been transferred in the name of Chandran. He further stated that he was not aware whether the civil suit filed by Chandran against Nagesh and Balakrishnan through Advocate Murugesan of Thakkolam had been dismissed. The witness stated that he did not know the survey number of the suit property. He admitted that he owned adjacent land but stated that he did not know its survey number or extent and that he possessed only vacant land. He stated that he had not produced the patta relating to his land before the police. He further stated that his son was the person managing all such affairs. When questioned whether he, his son, and his grandson

had signed any documents at any place, he stated that they might have done so but that he did not remember due to lack of memory. He stated that the police had examined him only once. He further deposed that the enquiry was conducted in the village. At that time, his family members, namely Chandran, Dinesh, his son-in-law, and daughter-in-law, were present. He also stated that about four or five villagers or colony residents were present during the enquiry. He finally stated that only one police officer had come for the enquiry and that the officer conducted the enquiry and thereafter left the place. When questioned as to whether any of his family members were present at the time when he was examined by the police, the witness stated that she did not remember and he admitted that the police had examined her at her residence and further stated that only the police officers were present during the enquiry and that no one else had accompanied them and deposed that the police enquired with them, and they informed the police that they were in possession and enjoyment of the property, after which the police left. When asked to clarify as to who was in possession and enjoyment of the property, he stated that the property had been purchased in the name of Chandran, that he had constructed a house thereon, and that he had been residing in the said house. When it was suggested that one Nagesh had sold the property in which he was presently residing to Shankar, he denied the suggestion and further denied the suggestion that Nagesh had sold the suit property, measuring 3.3 cents each, to five different persons, stating that the allegation was false. When questioned as to whether he or Chandran had produced any house tax receipt before the police to establish the existence of the house in the suit property, he stated that no such document had been produced and also stated that he did not know whether any document had been produced before the police to establish that the property originally stood in the name of Sulan and denied the suggestion that he was deposing falsely in order to support his son and further denied the suggestion that his statement that the

police had come and conducted an enquiry was false. When questioned as to whether he had appeared before the Superintendent of Police's Office, Vellore, he stated that he did not remember and also stated that he did not remember whether his son had informed her about filing the present case and denied the suggestion that the suit property had been lawfully purchased by Shankar from Nagesh and further denied the suggestion that he was giving false evidence in support of his son. Finally, when it was suggested that the suit property belonged to the accused and that the accused was in possession and enjoyment thereof, he denied the suggestion and stated that his son had purchased the property from Sulan, and that this alone was within her knowledge.

Evidence on PW3:-

PW3 stated that he was residing at Uriyur and was working as a daily wage labourer and stated that Chandran was his neighbour and that he knew the accused persons, as they were residents of the same village and further stated that, in the year 2005, Chandran had purchased 17 cents of land from one Soolan by way of a registered sale deed and after Chandran had constructed a house on the said property and had been residing there for some time, the accused allegedly dumped garbage and tethered goats in the adjacent vacant land, resulting in a dispute. When Chandran questioned the accused regarding the same, a quarrel ensued and further stated that, during the enquiry into the dispute, it came to light that the patta and sale deed relating to the disputed property stood in the names of the accused, and Chandran became aware of the same only then. Thereafter, Chandran lodged a complaint before the police station in respect of the said matter and further stated that, in connection with the investigation of the present case, the police had examined him and recorded his statement. PW3 during cross-examination deposed that he was residing on Church Street in Odiyathur Village and that Chandran's

house was located adjacent to his house and further stated that the disputed property was situated at a distance of about 10 feet from both his house and Chandran's house and deposed that he had only heard that Chandran had purchased the property from one Soolan and had no personal knowledge of the transaction and stated that he did not remember the total extent of the suit property or its survey number and admitted that the entire property had been fenced by Shankar and further admitted that Chandran had filed O.S. No. 212 of 2005 against Bala Krishnan and others through Advocate Murugesan of Thakkolam, and that the said suit had been dismissed and stated that the dispute in the said suit related to the transfer of patta in the name of Shankar and further stated that Shankar had presently constructed a house on the said property. The witness deposed that the police had examined him at his residence and admitted that he had not accompanied Chandran when the latter lodged the complaint with the police. Therefore, he stated that he had no knowledge as to the basis on which Chandran lodged the complaint, against whom it was lodged, or for what purpose it was filed and further stated that he had not accompanied Chandran when the latter was called in connection with the dismissal of the case by the Advocate at Thakkolam and admitted that Chandran was residing in and enjoying the property by constructing a house thereon. Finally, he stated that he had no knowledge whatsoever regarding the document of the year 1935 relating to the suit property. It is true that there is only one street known as Church Street. It is true that the disputed property is bounded by the Main Road on the east and Church Road on the west and admit that the tiled house of Kuppan is adjacent to the disputed property and admit that his house is situated to the south of Kuppan's house, and that Chandran's house is located opposite my house.

Evidence on PW4:-

PW4 is residing at Uriyur and working as a tailor and on 22.05.2013, at about 10:00 a.m., while he and Dinesh were sitting near the church adjacent to the tamarind tree, the police came and took us to the vacant site belonging to Chandran. They enquired as to who the owner of the said property was, inspected the scene of occurrence, and prepared the Observation Mahazar and Rough Sketch of the place of occurrence and he signed the Observation Mahazar as a witness. The first signature found in the Observation Mahazar now shown to him before this Court is his signature. The said document has been marked as Ex.P-5. The police examined him in connection with this case and along with him, one Dinesh also signed the Observation Mahazar as a witness.

Evidence on PW5:-

PW5 that he was residing at Uriyur and was employed as a Civil Engineer. He further stated that on 22.05.2013 at about 10:00 a.m., he and one Suresh were near the church when the police arrived and conducted an enquiry in connection with Chandran and stated that the police prepared an observation mahazar and drew a sketch of the place of occurrence and further stated that he signed the observation mahazar as a witness and identified the second signature found in the Observation Mahazar shown before the Court as his own signature and stated that the said document had been marked as Exhibit P-6 (Ex.P-6) and further stated that one Suresh had also signed the Observation Mahazar as a witness along with him and lastly stated that the police had examined him in connection with the present case.

Evidence on PW6:-

PW6 state that he is residing at Uriyur Village, Arakkonam and he is employed in private service and in the year 2005, he sold 17 cents of land belonging to him situated at Uriyur Village, to one Chandran, who is from his village, at the rate of ₹5,000 per cent. Thereafter, he left the place and went away. Subsequently, about two to three years later, Chandran approached him and informed him that one person had sold the said property to other persons in extents of 3 cents each. The document now shown to him and marked as Ex.P1 is the very sale deed that he executed and registered in favour of Chandran and in connection with this case, he was examined by the police during the course of investigation.

Evidence on PW7:-

PW7 further stated that he knows the accused who is present before the Court, namely, Martin alias Shankar and also stated that he knows the other accused, namely, Nagesh and Kotti. The deponent stated that, during the year 2013, an altercation took place between Martin alias Shankar and Chandran. He stated that Chandran was in possession and enjoyment of a parcel of land measuring 17 cents situated near the river at Uriyur Village, and that Chandran had kept goats, cattle and stacks of hay on the said land and further stated that Martin alias Shankar claimed ownership over the said property on the strength of a registered document and raised a dispute by asserting that the land belonged to him. The deponent stated that, in connection with the said dispute, Chandran lodged a complaint before the Office of the Superintendent of Police and further stated that, in connection with the said complaint, he was examined by the police during the course of the investigation.

PW7 was cross-examined and during cross examination he deposed as to whether he was aware as to whom the 17 cents of land belonged, the deponent stated that he was aware of the same and stated that the said property belonged to Chandran and upon being questioned as to whether he had signed as a witness in the document relating to the said property, the deponent stated that he had not and upon being shown the Chitta Adangal and Patta Register relating to Patta No. 853, the deponent stated that it was correct that the said property stood in the name of Ranganatha Chettiar and upon being shown the Chitta Adangal and the records relating to Patta No. 947 of Uriyur Village, Arakkonam Taluk, the deponent stated that it was correct that the said document had been issued by the Village Administrative Officer showing that Shankar, son of Sanjeevi, was the owner of the property. Upon being questioned as to whether he was aware that, on the basis of the said document, Shankar had been in possession and enjoyment of the property in question, the deponent stated that he was not aware of the same. Upon it being suggested that the statement made by him during the earlier investigation that the 17 cents of land belonged to Chandran was false, the deponent denied the suggestion as incorrect. Upon being questioned as to the distance between his house and the property in question, the deponent stated that it would not be approximately one kilometre and further stated that he was residing in a rented house situated behind Chandran's house and upon being shown the rough sketch now produced before this Court and questioned as to whether there were any particulars therein regarding the house of Senthil Kumar, the deponent stated that there were no such particulars and upon being questioned as to whether Chandran had brought him as a witness, the deponent stated that it was not so. However, he stated that Chandran had accompanied him and upon it being suggested that he was deposing falsely in favour of Chandran, the deponent denied the suggestion as incorrect.

Evidence on PW8:-

PW8 stated that he is presently residing at Arakkonam and further stated that he had served as a Sub-Registrar and, after attaining retirement, is presently staying at his residence and stated that, during the year 2013, he was serving as the Sub-Registrar at the Tiruttani Sub-Registrar Office. While he was serving in the said capacity, on 30.05.2013, the Special Sub-Inspector of Police attached to the Land Grabbing Prevention Special Cell, Vellore, issued a letter to him requesting certified copies of Document Nos. 101/2006 and 112/2006 from the Sub-Registrar Office and stated that he prepared the certified copies of the said two documents, affixed his signature thereon, and handed them over to the police officials and further stated that the document shown to him before this Court is the certified copy of Document No. 101/2006, which was signed and issued by him. The said certified copy consisting of five sheets has been marked as Ex.P-7. He further stated that the document shown to him before this Hon'ble Court is the certified copy of Document No. 112/2006, which was signed and issued by him. The said certified copy consisting of six sheets has been marked as Ex.P-8. The deponent stated that the signatures found in both the aforesaid documents are his signatures.

Evidence on PW9:-

PW9 stated that he is presently residing in Tirunelveli District and is serving as a Sub-Registrar at the District Registrar Office, Cheranmahadevi and further stated that, during the year 2013, while he was serving as a Sub-Registrar at the Pallipattu Sub-Registrar Office, he received a letter dated 30.05.2013 from the Land Grabbing Prevention Special Cell, Vellore, requesting the production of General Power of Attorney Document No. 67/2005 and stated that, pursuant to the said request, he furnished the certified copy of Document No. 67/2005, after affixing his signature thereon, to the officials of the Land Grabbing Prevention

Special Cell, Vellore and further stated that the said letter mentioned that the General Power of Attorney had been executed by Nagesh, Shankar alias Martin and Kotti. However, on verification of the copy of the document maintained in the records of the Pallipattu Sub-Registrar Office, it was found that the said General Power of Attorney had been executed by Mani in favour of Nagesh, relating to 17 cents of land situated in Survey No. 89 of Uriyur Village, Arakkonam Taluk. The deponent stated that, therefore, he informed the Land Grabbing Prevention Special Cell, through his statement, that there was a discrepancy between the names of the persons mentioned in the requisition letter issued by the Land Grabbing Prevention Special Cell and the names of the persons found in the document copy maintained in the Sub-Registrar Office records. PW9 further stated that the document shown to him before this Court is the certified copy of Document No. 67/2005, which was signed and issued by him. The said certified copy consisting of four sheets has been marked as Ex.P-9. The deponent stated that the signature appearing on the said document is his signature and further stated that he does not recollect whether the police officials examined him in connection with the present case.

Evidence on PW10:-

PW10 stated that he is presently residing at Arakkonam and that, after attaining retirement from service, he is presently staying at his residence and further stated that, during the year 2013, he was serving as Joint-II Sub-Registrar at the Arakkonam Registration Office and while he was serving in the said capacity, on 30.05.2013, the police officials issued a letter to him requesting documents relating to the property situated in Survey No. 89 of Uriyur Village, along with the Encumbrance Certificate pertaining to the said property and stated that, pursuant to the said requisition letter issued by the police, he furnished certified copies of 12 documents relating to Survey No. 89 to the police officials from the records

maintained in the Sub-Registrar Office. The documents furnished were as follows: Document No. 1913/2001 (4 sheets), Document No. 1952/2005 (7 sheets), along with the deficit stamp duty registration document dated 04.08.2005 relating to the said document, Document No. 174/2005 (6 sheets), Document No. 2815/2006 (10 sheets), Document No. 2816/2006 (7 sheets), Document No. 2817/2006 (7 sheets), Document No. 2818/2006 (8 sheets), Document No. 2819/2006 (8 sheets), Document No. 9454/2009 (11 sheets), Certified copy of the Encumbrance Certificate relating to Survey No. 89 for the period from 01.01.1933 to 31.12.1966, Certified copy of the Encumbrance Certificate relating to Survey No. 89 for the period from 01.01.1967 to 31.12.1986; and Computer-generated certified copy of the Encumbrance Certificate relating to Survey No. 89 for the period from 01.01.1987 to 30.06.2013.

PW10 stated that he had personally affixed his signature and issued the certified copies of all the aforesaid documents to the police officials and further stated that the document shown to him before this Court is the certified copy of Document No. 1913/2001 consisting of four sheets, which was signed and issued by him. The said certified copy has been marked as Ex.P-10, and the signature appearing therein is his signature and further stated that the document shown to him before this Court is the certified copy of Document No. 1952/2005 consisting of seven sheets, along with the deficit stamp duty registration document dated 04.08.2005 relating to the said document. The said certified copy consisting of eight sheets has been marked as Ex.P-11, and the signature appearing therein is his signature. He further stated that the document shown to him before this Court is the certified copy of Document No. 174/2005 consisting of six sheets, which has been marked as Ex.P-12. He stated that the signature appearing therein is his signature. He further stated that the document shown to him before this Court is the certified copy of Document No. 2815/2006 consisting of ten sheets, which has been marked

as Ex.P-13. He stated that the signature appearing therein is his signature. He further stated that the document shown to him before this Court is the certified copy of Document No. 2816/2006 consisting of seven sheets, which has been marked as Ex.P-14. He stated that the signature appearing therein is his signature. He further stated that the document shown to him before this Court is the certified copy of Document No. 2817/2006 consisting of seven sheets, which has been marked as Ex.P-15. He stated that the signature appearing therein is his signature. He further stated that the document shown to him before this Court is the certified copy of Document No. 2818/2006 consisting of eight sheets, which has been marked as Ex.P-16. He stated that the signature appearing therein is his signature. He further stated that the document shown to him before this Court is the certified copy of Document No. 2819/2006 consisting of eight sheets, which has been marked as Ex.P-17. He stated that the signature appearing therein is his signature. He further stated that the document shown to him before this Hon'ble Court is the certified copy of Document No. 9454/2009 consisting of eleven sheets, which has been marked as Ex.P-18. He stated that the signature appearing therein is his signature. He further stated that the document shown to him before this Court is the certified copy of the Encumbrance Certificate relating to Survey No. 89 for the period from 01.01.1933 to 31.12.1966, which has been marked as Ex.P-19. He stated that the signature appearing therein is his signature. He further stated that the document shown to him before this Court is the certified copy of the Encumbrance Certificate relating to Survey No. 89 for the period from 01.01.1967 to 31.12.1986, which has been marked as Ex.P-20. He stated that the signature appearing therein is his signature. He further stated that the document shown to him before this Court is the computer-generated certified copy of the Encumbrance Certificate relating to Survey No. 89 for the period from 01.01.1987 to 30.06.2013, which has been marked as Ex.P-21. He stated that the signature appearing therein is his

signature. The deponent stated that he had furnished the certified copies of all the aforesaid documents to the police officials after affixing his signature thereon and further stated that, thereafter, he does not recollect whether the police officials examined him in connection with the present case.

Evidence on PW11:-

PW11 stated that he is presently residing at Uriyur Village and that he had served as the Village Administrative Officer and has now retired from service and is residing at his house and further stated that, in connection with the property involved in the present case, he verified the records maintained in his office relating to the property situated in Uriyur Village, including the Adangal Register relating to Survey No. 89 (consisting of four sheets), Chitta Register relating to Patta Nos. 573, 633, 853 and 947, the village-wise and year-wise field possession and cultivation Adangal account (RF III A-10-5 00 000-GBP-Mdu-2009), FMB relating to Field No. 89, measuring Are 07.0, and the A-Register and stated that, after verifying the records available in the files maintained in his office, he forwarded the said documents to Mr. Devadas, Deputy Tahsildar. PW11 further stated that the documents now shown to him before this Court are the same documents in which he had affixed his certification signature and stated that all the signatures appearing therein are his signatures and further stated that the Adangal Register consisting of four sheets has been marked as Ex.P-22 and stated that the Chitta Register consisting of four sheets relating to Patta Nos. 573, 633, 853 and 947 has been marked as Ex.P-23 and stated that the village-wise and year-wise field possession and cultivation Adangal account (RF III A-10-5 00 000-GBP-Mdu-2009) has been marked as Ex.P-24 and stated that the FMB relating to Field No. 89, measuring Are 07.0, has been marked as Ex.P-25. He stated that the A-

Register has been marked as Ex.P-26 and further stated that, in connection with the present case, he was examined by the police officials.

PW11 upon being questioned as to whether he could issue Patta, Chitta, Adangal and FMB records only in the name of the person shown as the owner in the relevant documents after verifying the documents, the deponent stated that it was correct and upon being questioned as to whether, among the four Patta documents contained in Ex.P-23, one of the documents, namely Patta No. 947, mentions the name of Shankar, son of Sanjeevi, the deponent answered in the affirmative and upon being further questioned as to whether the signature appearing in the said document was his signature, the deponent stated that it was correct and upon being questioned as to whether, among the four Patta documents contained in Ex.P-23, one of the documents, namely Patta No. 853, mentions that the property belonged to Ranganatha Chettiar and that his legal heirs were Balakrishnan, Varalakshmi, Mani, Damodaran, Raji, Pushpa, Padmavathi and Rajini, the deponent answered in the affirmative and upon being further questioned as to whether the signature appearing in the said document was his signature, the deponent stated that it was correct and further upon being questioned as to whether, among the four Patta documents contained in Ex.P-23, one of the documents, namely Patta No. 633, mentions the name of Soolan, son of Veeran, in respect of Survey Nos. 106, 86, 86, 87 and 94, the deponent answered in the affirmative and upon being further questioned as to whether the signature appearing in the said document was his signature, the deponent stated that it was correct and upon being questioned as to whether, among the four Patta documents contained in Ex.P-23, one of the documents, namely Patta No. 573, does not contain any Survey Number, the deponent stated that it was correct and upon being further questioned as to whether the signature appearing in the said document was

his signature, the deponent stated that it was correct and upon being questioned as to whether, under Ex.P-22, Patta relating to Survey No. 89 had been issued in the name of Shankar, son of Sanjeevi, the deponent answered in the affirmative and upon being questioned as to whether Ex.P-24 stands in the name of Shankar, son of Sanjeevi (the accused present before the Court), the deponent answered in the affirmative and upon being questioned as to whether he had verified the office records and issued the aforesaid documents only after confirming that the said documents related to the accused present before the Court, the deponent stated that it was correct.

Evidence on PW12:-

PW12 stated that he is presently residing in Goa and working as a driver. He further stated that, on 07.09.2006, one Nagesh purchased the property and that the said Nagesh is now deceased. He stated that he had signed a document bearing Document No. 2817/2006. The said document had already been marked before this Hon'ble Court as Ex.P-17. The deponent stated that the signature found below the words "purchaser" in the said document is his signature. Therefore, the said document is marked as Ex.P-27. He stated that he had signed the said document for the purpose of purchasing the property. The deponent further stated that the said property was looked after by his mother. Since he was employed in Goa, he signed the document relating to the property identified and managed by his mother and thereafter left for Goa. He stated that his mother has subsequently expired. He further stated that, at the time of purchasing the said property, the consideration amount for the property was paid and the property was purchased accordingly. The deponent stated that, thereafter, he returned to Goa. He stated that he was summoned in connection with the present case and, therefore, he appeared before this Court to give evidence. He further stated that, in connection with the present

case, he was examined by the police officials. PW12 upon being questioned as to whether he had stated before the police during the course of investigation the same facts which he had stated before this Court, the deponent answered in the affirmative and being further questioned as to whether they had acquired the property involved in the present case from Nagesh, the deponent stated that it was correct.

Evidence on PW13:-

PW13 further stated that, during the year 2013, he was serving as a Junior Assistant in the Joint Sub-Registrar Office-II, Arakkonam. On 30.08.2013, as the Sub-Registrar was on leave, he was entrusted with and was discharging the duties of the Sub-Registrar in charge for that day and stated that, while he was functioning as the Sub-Registrar in charge on the said date, police officials approached him and requested the Fingerprint Registers bearing Volume Nos. 84/2006 and 124/2006. As the said registers were available in the office records, he produced and handed them over to the police officials from the office files. The police officials received the said Fingerprint Registers and took them into their custody. He further stated that, in connection with the aforesaid case, he was examined by the police authorities during the course of the investigation, and he disclosed to them all the facts within his knowledge pertaining to the matter.

PW14 during cross on being questioned as to whether the police had requested the documents from him by way of a written communication, the deponent stated that they had and being further questioned as to whether the original or a copy of the letter issued by the police had been produced before this Court, the deponent stated that he was not aware of the same and being further questioned as to whether the police had produced before this Court the reply letter submitted by him, along with the documents furnished pursuant thereto, the

deponent stated that he had no knowledge of the same and being questioned as to whether he had handed over the documents solely on the basis of the aforesaid letter received from the police, the deponent answered in the affirmative and upon being further questioned as to whether the said two documents had been produced by the police before this Court, the deponent answered in the affirmative and upon being questioned as to whether he was serving as the Sub-Registrar during the year 2006, the deponent stated that he was not and upon it being suggested to him that no letter had in fact been issued by the police, that he had neither submitted any reply nor furnished any documents to the police, and that his present testimony regarding receipt of the letter and production of the documents was false, the deponent denied the suggestion as incorrect.

Evidence on PW14:-

PW14 stated that he is presently serving as a Sub-Inspector of Police at Pallikonda Police Station. He further stated that, on 10.09.2013, while he was serving as a Head Constable in the Land Grabbing Prevention Special Cell, Vellore, he received, from the Judicial Magistrate Court, Arakkonam, a postal cover addressed to the Fingerprint Bureau, Chennai, containing fingerprint records and stated that he acknowledged receipt of the said postal cover by affixing his signature in the "Specimen Signature" column, took custody of the same from the Court, and delivered it to the Fingerprint Bureau, Chennai and further stated that, after effecting such delivery, he obtained the acknowledgement of receipt and, on 11.12.2013, submitted the said acknowledgement before the Judicial Magistrate Court, Arakkonam. PW14 during cross deposed as to whether he had produced before this Court the letter issued to him by the Inspector of Police and, thereafter, obtained the documents from the Court on the strength of the said letter, the deponent answered in the affirmative and upon being further questioned as to

whether he was aware of the entire facts and circumstances of the present case, the deponent stated that he had no knowledge of the same.

Evidence on PW15:-

PW15 stated that he had retired from service as a Sub-Inspector of Police attached to Arcot Town Police Station and further stated that, on 22.05.2013 at about 7:00 a.m., while he was serving in the Land Grabbing Prevention Special Cell, Vellore District Police Office, and was in charge of the station, he acted upon the instructions of the Deputy Superintendent of Police, Land Grabbing Prevention Special Cell (ALGSC). Pursuant to the communication issued by the District Police Office in Na.Ka. No. G1(2)/023704/VELLORE/2013 and after scrutinizing Complaint Petition Serial No. 191/ALGSC/VLR/2013 submitted by the complainant, Mr. Chandran, son of Sanjeevi, residing at Uriyur Village, Thakkolam Post, Vellore District, he registered a case in Crime No. 31 of 2013 for the offences punishable under Sections 420, 468, 471, 447, and 120-B of the Indian Penal Code at about 7:00 a.m. on 22.05.2013. He stated that the First Information Report registered by him has been marked as Ex.P-28. Thereafter, he proceeded to the scene of occurrence at Uriyur Village and, in the presence of witnesses Suresh and Dinesh Kumar, prepared the Observation Mahazar and Rough Sketch, which have been marked as Ex.P-29 and Ex.P-30 respectively. The deponent further stated that, acting upon information received, he proceeded to the residences of the accused with a view to apprehending them. PW15 further upon enquiry, he was informed that the accused had just left for Arakkonam and thereafter proceeded to the Uriyur Bus Stand, where the informant identified the accused and arrested them and, in the presence of witnesses, recorded their voluntary disclosure statements using a laptop, obtained the signatures of the witnesses thereon, and returned to the police station along with the accused and stated that he conducted the necessary

formalities, including personal search of the accused, prepared the remand report, and entrusted the accused to the Station Writer after completing the station records. PW15 further stated that he, along with Head Constables Mr. Sivakumar and Mr. Pandurangan, produced the accused before the Judicial Magistrate Court, Arakkonam, where they were remanded to judicial custody. The deponent stated that he examined and recorded the statements of the witnesses, namely, Chandran (son of Sanjeevi), Sanjeevi (son of Murugan), Soolan (son of Veeran), Mani (son of Subramani), Senthil Kumar (son of Gandhi), Suresh (son of Kaliyappan), and Dinesh Kumar (son of Chandran). During the course of investigation, he enquired into the allegations relating to the preparation of forged documents, criminal trespass, and illegal encroachment in respect of 17 cents of land comprised in Survey No. 89 situated at Uriyur Village, and recorded their statements. He further stated that he examined Murugammal, wife of Govindaraj, aged about 48 years, and Sourirajan, son of Govindaraj, who had each purchased 3 cents of land from the first accused, Nagesh, under sale deeds allegedly executed on the strength of forged documents, and recorded their statements. He also examined Govindammal, wife of Kuppan, aged about 50 years, and Murugan, son of Nadesan, aged about 40 years, who had similarly purchased 3 cents each from the first accused, Nagesh, under allegedly forged sale deeds, and recorded their statements. The deponent further stated that he separately examined Mr. Rajendran, Sub-Registrar, Tiruttani; Mr. Senthil Ramanan, Sub-Registrar, Pallipattu; Mr. Sankaran, Joint Sub-Registrar, Arakkonam; and Mr. Venkatesan, Joint Sub-Registrar, Arakkonam, with regard to the powers of attorney relied upon by the first accused, Nagesh. Upon such enquiry, it came to light that all the documents in question were forged. He further stated that he visited the addresses of the persons who were shown as having executed the powers of attorney. During the course of enquiry, he found that no such persons were residing at the addresses mentioned in the documents

and that the executants shown therein were fictitious and upon verification of Document No. 124/2005 dated 06.07.2005 registered at the Arakkonam Sub-Registrar Office, Document No. 67/2005 dated 21.01.2005 registered at the Pallipattu Sub-Registrar Office, Document No. 101/2006 dated 15.05.2006 registered at the Tiruttani Sub-Registrar Office, and Document No. 112/2006 dated 19.05.2006 registered at the Tiruttani Sub-Registrar Office, he found that the said documents were forged. The deponent further stated that the first accused, Nagesh, had executed Sale Deed No. 2815/2006 dated 16.03.2006 conveying 3 cents of land in favour of Jeyasudha; thereafter, under Sale Deed No. 2816/2006 dated 17.05.2006, he again conveyed another 3 cents of land to the same purchaser, Jeyasudha; under Sale Deed No. 2817/2006 dated 17.05.2006, he conveyed 3 cents of land to Souriraj; under Sale Deed No. 2818/2006 dated 23.05.2006, he conveyed 3 cents of land to Govindammal; and under Sale Deed No. 2819/2006 dated 24.05.2006, he conveyed another 3 cents of land to Murugan. Subsequently, on 18.09.2009, under Document No. 9454/2009, the first accused conveyed the entire extent of 17 cents comprised in Survey No. 89 to the second accused, Shankar alias Martin. Upon investigation and verification of the records, he found that all the aforesaid transactions were based on forged documents. He further stated that, in order to verify the authenticity of the documents, he addressed requisition letters to the concerned Sub-Registrars. Thereafter, he collected the fingerprints and specimen impressions of the accused, Nagesh and Shankar alias Martin, and forwarded them through the Court to the Fingerprint Bureau/Forensic Science Department under a requisition for expert examination. The fingerprint report pertaining to Nagesh, consisting of five sheets, has been marked as Ex.P-31, and the fingerprint report pertaining to Shankar alias Martin, consisting of six sheets, has been marked as Ex.P-32. He stated that, after completing further investigation, he placed the case records before the Inspector of Police for scrutiny and for the

preparation and filing of the final report. The deponent further stated that Veeran, the predecessor-in-title of the complainant, had two sons, namely, Sarmudi and Soolan, and that the disputed property in Survey No. 89 formed part of Veeran's ancestral property. On 07.11.1986, Veeran executed a settlement deed dividing the property between his two sons under Schedule 'A' and Schedule 'B', whereby the disputed extent of 17 cents was divided equally, allotting 8½ cents each to Sarmudi and Soolan. He further stated that, on 29.11.2001, Sarmudi conveyed his 8½ cents in Survey No. 89 to his brother Soolan under Document No. 1913/2001. Thereafter, on 08.07.2005, Soolan sold the entire extent of 17 cents in Survey No. 89 to Chandran under Document No. 1952/2005. The deponent finally stated that, in connection with the aforesaid facts and the investigation conducted by him, he was examined by the Inspector of Police.

PW15 upon being questioned as to whether the complainant in the present case had directly lodged any complaint with him, the deponent stated that it was correct that no such complaint had been directly submitted to him. Upon being further questioned as to when the complaint had been received from the Office of the Superintendent of Police, the deponent stated that, pursuant to the written directions of the Deputy Superintendent of Police, Land Grabbing Prevention Special Cell, instructing him to register a case, he received the complaint and registered the case. He further stated that the complaint was forwarded to him for investigation on 22.05.2013. Upon being questioned as to when he had summoned and examined the complainant, the deponent stated that he commenced the examination of the complainant in the morning of 22.05.2013 itself. Upon being questioned as to whether he had enquired with the complainant as to who had drafted or written the complaint, the deponent stated that he did not consider such an enquiry to be necessary. Upon being questioned as to whether any documents

accompanied the complaint at the time it was received, the deponent answered in the affirmative. He stated that the documents enclosed with the complaint included: General Power of Attorney Document No. 174/2005 dated 06.07.2005 allegedly executed by Balakrishnan in favour of Nagesh, General Power of Attorney Document No. 67/2005 dated 21.01.2005 allegedly executed by Mani in favour of Nagesh, General Power of Attorney Document No. 101/2006 dated 15.05.2006 allegedly executed jointly by Rajini, Pushpammal and Varalakshmi in favour of Nagesh, General Power of Attorney Document No. 112/2006 dated 19.05.2006 allegedly executed jointly by Radha, Rajeshwari and Padma in favour of Nagesh, Sale Deed No. 2815/2006 dated 16.03.2006 executed by Nagesh in favour of Jeyasudha, Sale Deed No. 2816/2006 dated 17.05.2006 executed by Nagesh in favour of Jeyasudha, Sale Deed No. 2817/2006 dated 17.05.2006 executed by Nagesh in favour of Souriraj, Sale Deed No. 2818/2006 dated 23.05.2006 executed by Nagesh in favour of Govindammal, Sale Deed No. 2819/2006 dated 24.05.2006 executed by Nagesh in favour of Murugan; and Sale Deed No. 9454/2009 dated 18.09.2009 executed by Nagesh in favour of the second accused, Shankar alias Martin.

PW15 stated that all the aforesaid documents were forged documents and further stated that the documents furnished along with the complaint were only photocopies/copies of the original documents and being questioned as to whether he registered the First Information Report on the very day on which he examined the complainant, the deponent answered in the affirmative and being questioned as to the dates on which he examined the prosecution witnesses, the deponent stated that witnesses Nos. 1 to 7 were examined on 22.05.2013; witnesses Nos. 8 to 11 on 25.05.2013; witnesses Nos. 12 and 13 on 22.05.2013; witness No. 14 on 02.07.2013; and witness No. 15 on 31.08.2013. He further stated that the remaining witnesses were examined by the Inspector of Police. Upon being

questioned as to when he addressed communications to the Sub-Registrar Offices for verification of the documents produced by the complainant and obtained certified copies thereof, the deponent stated that such requisition letters were sent on 29.05.2013. He further stated that, by the time the concerned Sub-Registrar Offices forwarded the requested records, he had already submitted the case file to the Inspector of Police for scrutiny, and accordingly the Inspector of Police received those documents. Upon being questioned as to when he inspected the property forming the subject matter of the case, the deponent stated that he visited the property on the very day the complaint was received, between approximately 10.00 a.m. and 11.00 a.m. Upon being questioned as to which witnesses he examined within that period of approximately one hour, the deponent stated that he examined Suresh, Dinesh Kumar, Sanjeevi and Soolan. Upon being questioned as to when he arrested the first accused, the deponent stated that the first accused was arrested at about 11.30 a.m. on 22.05.2013. Upon being questioned as to when he arrested the second accused, the deponent stated that the second accused was also arrested at about 11.30 a.m. on 22.05.2013. Upon being questioned as to where and in what manner he recorded the confession statement of the second accused, the deponent stated that the statement was typed at the very place where the accused was arrested. Upon it being suggested that the confession statement had been printed only after bringing the accused to the police station and that the signatures of the accused had thereafter been obtained, the deponent denied the suggestion as incorrect and stated that the statement had been printed at a shop situated near the place of arrest and that the signatures of the accused had been obtained there itself. Upon being questioned as to whether he had recorded the particulars of the said shop in the investigation records, the deponent stated that he had not. Upon being questioned as to from whom he collected documents during the course of investigation, the deponent stated that he obtained documents from the offices of

the Sub-Registrars as well as from the persons who had individually purchased 3 cents of land from the accused. Upon being questioned as to what documents were obtained from those witnesses, the deponent stated that he collected the respective sale deeds under which each of them had purchased the property. Upon being questioned as to whether he verified the originals before obtaining copies from the witnesses, the deponent stated that he did not verify the originals at that stage, but subsequently verified the particulars through the Sub-Registrar's Office. Upon being questioned as to whether he had verified the patta, chitta and adangal records relating to the disputed property with the Revenue Department, the deponent answered in the affirmative. He further stated that the Village Administrative Officer who verified those records had been cited as a prosecution witness. Upon being questioned as to when he examined the Sub-Registrar after obtaining the records from the Sub-Registrar's Office, the deponent stated that such examination was conducted on 30.05.2013. Upon being questioned as to how he concluded that the persons shown as executants of the powers of attorney did not in fact exist, the deponent stated that he visited the addresses mentioned in the documents and made enquiries with the neighbouring residents, whereupon he found that no such persons were residing there. Upon being questioned as to how he arrested the accused before completing verification of all the documents, the deponent stated that the truth of the allegations had become apparent during the examination of the witnesses and that, on that basis, he arrested the accused. Upon being questioned as to whether any documents were seized from the accused at the time of arrest, the deponent answered in the negative. Upon it being suggested that, at the time of arrest, the second accused had offered to produce Patta No. 947, the A-Register extract and the original sale deed executed by Nagesh in favour of Shankar, but that the police deliberately refused to receive those documents and falsely arrested the second accused in order to favour the complainant, the deponent denied the

suggestion as false. Upon it being further suggested that he had neither inspected the disputed property nor conducted a genuine investigation, but had instead summoned all the witnesses to the police station, fabricated the documents referred to in the case at the police station itself and was deposing falsely against the accused, the deponent denied the suggestion as incorrect.

PW15 further as to the suggestion that he had registered the First Information Report against the accused in haste without properly examining the documents, the deponent denied the suggestion as incorrect. Upon it being suggested that the second accused had not fabricated any document and had caused the registration of the documents only after verifying genuine title documents, the deponent denied the suggestion and stated that the investigation had revealed that all the documents were forged, and it was on that basis that the case had been registered. Upon it being further suggested that the second accused had no connection whatsoever with the alleged offence and was an innocent person, the deponent denied the suggestion as incorrect. Upon being questioned as to whether he had examined, as a witness in the present case, the document writer/scribe who had prepared the alleged forged powers of attorney, the deponent stated that he had not.

Evidence on PW16:-

PW16 stated that he had been serving as the Deputy Superintendent of Police, District Crime Branch, Tiruvannamalai District, and that he retired from service on 31.05.2026. He further stated that, while he was serving as the Inspector of Police in the Land Grabbing Prevention Special Cell, Vellore, he took up Crime No. 31 of 2013, which had been registered by the said unit, for further investigation and stated that, during the course of the further investigation, he examined the witnesses and found that they reiterated before him the very same

facts which they had earlier stated in their statements recorded by the then Special Sub-Inspector of Police, Chandran and the witnesses had not disclosed any new or additional facts, he did not record fresh statements from them and further stated that, on 24.06.2014, he examined and recorded the statements of Ms. Kamalaveni, the Fingerprint Expert who had examined the fingerprint records and issued the expert report in the present case, and Head Constable No. 753, Mr. Sivakumar, who had been deputed to obtain the said fingerprint expert's report. He further stated that, on 10.07.2014, he examined and recorded the statements of Mr. Devadas, the Deputy Tahsildar, Arakkonam, and Mr. Radhakrishnan, the Village Administrative Officer, in connection with the present case. PW16 further stated that, upon completion of the investigation and after securing all the relevant documents, he prepared the draft final report, obtained the requisite approval from the Head Office at Chennai, and thereafter filed the final report before the competent Court on 06.08.2014 against the accused for the offences punishable under Sections 420, 468, 471, 447, 120-B, 419, 423, 465 and 506(1) of the Indian Penal Code, as well as under Section 82 of the Registration Act, 1908. PW16 when cross-examined submits that when the case records were entrusted to him, the deponent stated that he received the case file on 24.06.2014. Upon being questioned as to whether the statements under Section 161 of the Code of Criminal Procedure in the present case were recorded by him or by any other officer, the deponent stated that the said statements were recorded by him. Upon being questioned as to whom he had examined during the course of further investigation, the deponent stated that he examined and recorded the statements of Ms. Kamalaveni, Fingerprint Expert; Head Constable Mr. Sivakumar; Mr. Devadas, Deputy Tahsildar, Arakkonam; and Mr. Radhakrishnan, Village Administrative Officer of Uriyur Village. Upon being questioned as to the dates on which the aforesaid witnesses were examined, the deponent stated that they were examined

on 24.06.2014 and 10.07.2014. Upon being questioned as to whether he had summoned and examined the complainant in person during the course of the investigation, the deponent answered in the affirmative, but stated that he did not record a statement from the complainant. Upon being questioned as to whether he had obtained any documents from the complainant at the time of such examination, the deponent stated that he had not. Upon being questioned as to whether he had personally inspected the scene of occurrence in the present case, the deponent stated that he had not. Upon it being suggested that he had not visited the scene of occurrence and had merely affixed his signature to the records prepared by the officers who had previously investigated the case, the deponent denied the suggestion as incorrect. Upon it being further suggested that he had filed the final report against the accused in haste without collecting any additional documents during his investigation, the deponent denied the suggestion as incorrect. Upon it being suggested that the accused had no connection whatsoever with the present case and that the accused had purchased the property in question on the strength of genuine and valid title documents, the deponent denied the suggestion as incorrect. Upon it being further suggested that the accused had no connection with the alleged offence and was an innocent person, the deponent denied the suggestion as false and incorrect.

II. Charge-wise Analysis:-

Issue No. 1 — Whether the offence under Section 120(B) IPC is proved against A2?

Offence under Section 120(B) IPC — Criminal Conspiracy

In order to constitute a criminal conspiracy punishable under Section 120(B) IPC, the prosecution must prove an agreement between two or more persons to do

an illegal act, or to do a legal act by illegal means. The meeting of minds and prior concert must be established through cogent and reliable evidence.

The prosecution must establish a meeting of minds and an agreement between A2 and A1 (or any other person) to commit the alleged illegal acts. In the present case, there is no single piece of admissible evidence — oral or documentary — to show that A2 entered into any agreement or conspiracy with A1 prior to, or at the time of, the fabrication of the four Powers of Attorney or the five Sale Deeds of 2006, all of which preceded A2's own purchase under Document No.9454/2009 in 2009. PW1 has not spoken to any act of conspiracy on the part of A2 beyond his having ultimately taken conveyance of the property. No witness has deposed to any meeting, communication, or common design between A1 and A2 antecedent to the 2009 sale. The solitary piece of evidence touching upon joint knowledge, namely, the confession statements witnessed by PW2 (Ex.P3 and Ex.P4), is inadmissible against the accused to the extent it amounts to a confession made to, or in the presence of, a police officer, being barred under Section 25 of the Indian Evidence Act, 1872, no part of it having led to discovery of a fact so as to attract Section 27 thereof. In the absence of any cogent, admissible evidence of a meeting of minds or prior concert, the charge under Section 120(B) IPC against A2 is not proved.

Issue No. 2-Whether the offence under Section 419 IPC is proved against A2?

Offence under Section 419 IPC — Cheating by Personation

Section 419 IPC punishes cheating by personation, that is, pretending to be some other person, or knowingly substituting one person for another, or representing that oneself or any other person is a person other than who he really is. The evidence of PW9 and PW15 discloses that it was the executants of the Powers of Attorney relied upon by A1 — and, according to the prosecution, A1

himself in procuring them — who are alleged to have been impersonated or to have impersonated others. There is no evidence whatsoever that A2 personated any person, or that he represented himself, or caused himself to be represented, as someone other than who he in fact is. A2's role, as spoken to by the witnesses, is confined to that of a purchaser under a registered Sale Deed executed by A1 in A1's own name. No act of personation by A2 is established even prima facie. The charge under Section 419 IPC against A2 is therefore not proved.

Issue No. 3 -Whether the offence under Section 420 IPC is proved against A2?

Offence under Section 420 IPC — Cheating

To attract the offence of cheating under Section 420 IPC, the prosecution must prove: (a) deception of a person; (b) fraudulent or dishonest inducement flowing from such deception; (c) delivery of property by the deceived person on account of such inducement; and (d) existence of a dishonest or fraudulent intention on the part of the accused from the very inception of the transaction.

It is well settled by the Hon'ble Supreme Court of India in *Hridaya Ranjan Prasad Verma v. State of Bihar* [(2000) 4 SCC 168] that a mere breach of contract or a civil dispute relating to title over property would not, by itself, constitute cheating under Section 420 IPC, unless dishonest or fraudulent intention existed in the mind of the accused from the very beginning of the transaction. The distinction between a civil wrong and a criminal fraud is founded upon proof of such mens rea at inception. Applying the above principle to the facts of the present case, the entirety of the evidence regarding fabrication of the Powers of Attorney (PW9, PW15) concerns acts attributable to A1, who died during the pendency of the trial and against whom proceedings have consequently abated. As regards A2, the evidence discloses only that he purchased the suit property under a registered Sale Deed, Document No.9454/2009, executed by A1, and that revenue records — Patta

No.947 and the connected Adangal, FMB and A-Register entries (Ex.P22 to Ex.P26) — came to stand in his name pursuant thereto, as confirmed by PW11. Mere purchase of property from a person who, unbeknownst to the purchaser, may not have possessed valid title, does not by itself establish that the purchaser shared a dishonest or fraudulent intention at the inception of the transaction. The solitary piece of evidence suggesting guilty knowledge on the part of A2, namely, the confession statement said to have been made by him before the police in the presence of PW2, is barred from being used against the accused under Section 25 of the Indian Evidence Act, 1872, no part of it having led to the discovery of any fact so as to attract Section 27. It is also relevant that the parallel civil suit, O.S.No.212/2005, touching the very same title, filed by the complainant side against A1 and Balakrishnan, ended in dismissal (Ex.D1), lending credence to the position that the underlying dispute is, at its root, one of title that remains unresolved in civil proceedings, rather than one of established criminal deception practised by A2. In these circumstances, dishonest or fraudulent intention on the part of A2 from the inception of the 2009 transaction has not been proved beyond reasonable doubt. The charge under Section 420 IPC against A2 is accordingly not proved.

Issue No. 4 -Whether the offence under Section 468 IPC is proved against A2?

Offence under Section 468 IPC — Forgery for the purpose of cheating

Section 468 IPC requires the prosecution to prove (a) forgery of a document as defined under Section 463 IPC, and (b) that such forgery was committed with the intention that the document forged shall be used for the purpose of cheating. Forgery requires that the accused himself made a false document, or part thereof, with the requisite fraudulent or dishonest intent. The evidence of PW9, PW15, and the certified copies marked as Ex.P7 to Ex.P9, establish, at best, that certain

Powers of Attorney relied upon by A1 were purportedly executed by persons who could not subsequently be traced. None of the witnesses, including the Sub-Registrars examined as PW8 to PW10, nor the Investigating Officers PW15 and PW16, have deposed to any act of making or fabrication of a false document attributable to A2. It was elicited from PW15 in cross-examination that the document writer/scribe who prepared the impugned Powers of Attorney was not examined during investigation, and the Fingerprint Expert (Ms.Kamalaveni), whose report is stated to have been obtained, was not examined before this Court to prove that the disputed thumb impressions or signatures did not belong to the purported executants, or that they belonged instead to A1 or A2. In the absence of such proof, the ingredient of making a false document cannot be brought home against A2. The charge under Section 468 IPC against A2 is therefore not proved.

Issue No. 5 -Whether the offence under Section 471 IPC is proved against A2?

Offence under Section 471 IPC — Using as genuine a forged document

Section 471 IPC penalises the fraudulent or dishonest use of a document as genuine, knowing or having reason to believe it to be a forged document. To succeed under this Section, the prosecution must affirmatively prove guilty knowledge on the part of the accused that the document used by him was forged. It is not in dispute that A2 obtained and relied upon the registered Sale Deed, Document No.9454/2009, executed by A1, and thereafter caused revenue records (Ex.P22 to Ex.P26) to be mutated in his name. However, for the reasons discussed under Issue No.3 above, guilty knowledge on the part of A2, that the documents forming the root of A1's title were forged, has not been established by any admissible evidence. Mere possession or use of a document which, unknown to the person using it, later turns out to be tainted at its source, is insufficient to fix

criminal liability under Section 471 IPC. The charge under Section 471 IPC against A2 is accordingly not proved.

11) Findings

In view of the discussion above, this Court records the following findings:

- (i) The offence under Section 120(B) IPC against A2 is not proved.
- (ii) The offence under Section 419 IPC against A2 is not proved.
- (iii) The offence under Section 420 IPC against A2 is not proved.
- (iv) The offence under Section 468 IPC against A2 is not proved.
- (v) The offence under Section 471 IPC against A2 is not proved.

The Point for Determination is accordingly answered in the negative and against the prosecution, and in favour of the accused A2. As regards A1 (Nagesh), it is placed on record that A1 died during the pendency of the trial. Consequently, the criminal proceedings against A1 stand abated in terms of Section 394 of the Code of Criminal Procedure, 1973.

The cardinal principle of criminal jurisprudence is that it is better that a hundred guilty persons go free than that one innocent person be convicted. The prosecution must prove its case against the accused beyond all reasonable doubt. As observed by the Hon'ble Supreme Court of India in ***Ashish Batham v. State of M.P. [(2002) 7 SCC 317]***:

Mere suspicion, however strong or probable it may be, is no effective substitute for the legal proof required to substantiate the charge of commission of a crime and graver the charge is, greater should be the standard of proof required. Courts dealing with criminal cases at least should constantly remember that there is a long mental distance between 'may be true' and 'must be true' and this basic and golden

rule only helps to maintain the vital distinction between 'conjectures' and 'sure conclusions' to be arrived at on the touchstone of a dispassionate judicial scrutiny based upon a complete and comprehensive appreciation of all features of the case as well as quality and credibility of the evidence brought on record."

Therefore, by applying the above principle to the facts of this case, this Court is of the considered view that the prosecution has failed to prove any of the charges against Accused - A2 beyond all reasonable doubt. The evidence adduced is wholly insufficient to sustain a conviction. The accused is therefore entitled to the benefit of doubt.

12) Decision:

In the result, Marttin @ Shankar (A2), is found **NOT GUILTY** of the offences punishable under Sections 120(B), 419, 420, 468 and 471 of the Indian Penal Code and Section 82 of Indian Registration Act, 1908 and is hereby **ACQUITTED** of all the said charges under Section 248(1) of the Code of Criminal Procedure, 1973.

The bail bond, if any, executed by the Accused - A2 shall stand cancelled.

And the proceedings in C.C.No.429 of 2015 against the first accused, Nagesh (A1), stand **ABATED** in view of his death during the pendency of the trial.

13) Property Order:

There is no case property received in relation to this case.

This judgment dictated to Steno - Typist, typed by her, corrected and pronounced by me in open court on this 30th day of July 2026.

Judicial Magistrate No.II,
Vellore.

ANNEXURE:**PROSECUTION SIDE WITNESSES:**

Prosecution Witness No.	Name of Witness	Description
PW1	Chandran	Complainant
PW2	Sanjeevi	Confession Statement Witness
PW3	Mani	He spoke about how the opposing parties created a forged document to claim ownership of and encroach upon the properties belonging to LW1, as well as the details of the case
PW4	Suresh	Observation Mahazar and Rough sketch Witness
PW5	Dinesh Kumar	Deposed in support of LW6
PW6	Shulan	He spoke about selling the 17 cents of land—which he had inherited from his father—to LW-1; he will explain that he executed the sale deed to Witness-1 to prevent the local public from dumping garbage and creating a nuisance on the property
PW7	Senthilkumar	He spoke about the details of the case and how the accused encroached upon a 17-cent plot belonging to Witness-1—after creating a forged deed claiming it was poramboke land—and subsequently polluted the site by

		tethering livestock and dumping garbage there
PW8	Rajendiran	He spoke regarding the verification, photocopying, and certification of documents from the office file that were requested for investigation by the Inspector of the Special Cell for Land Grabbing Prevention in Vellore District on 30.05.2013
PW9	Senthil Ramanan	He spoke regarding the verification, photocopying, and certification of documents from the office file that were requested for investigation by the Inspector of the Special Cell for Land Grabbing Prevention in Vellore District on 30.05.2013
PW10	Sankaran	He spoke regarding the verification, photocopying, and certification of documents from the office file that were requested for investigation by the Inspector of the Special Cell for Land Grabbing Prevention in Vellore District
PW11	Radha Krishnan	He will speak about obtaining the Adangal certificate, FMB, and a copy of the 'A' Register—duly certified by the concerned Village Administrative

		Officer—regarding the property situated in Survey No. 89
PW12	Saurirajan	Deposed in support of LW8
PW13	Venkatesan	He will speak about the handing over and dispatch of Office Fingerprint Register Volumes 124 and 84 to the Fingerprint Bureau at Raja Annamalaipuram, Chennai, on 30.08.2013
PW14	Sivakumar	He will speak about collecting the case documents from the Arakkonam court for examination and handing them over at Raja Annamalaipuram, Chennai, as well as obtaining the report after the examination and submitting it to the court
PW15	Chandran	He will speak about the arrest of the accused, the sending of case documents to the Chennai laboratory for analysis, and the submission of the case file to the Police Inspector for further action
PW16	Ravichandran	Investigation officer who filed final report

PROSECUTION SIDE DOCUMENTS:

Exhibit No.	Date	Description of the Exhibit	Proved by/Attested by
Ex.P1	08.06.2016	Doc.No.1952/2005, Dated:08.07.2005	PW1
Ex.P2	08.06.2016	Petition submitted by PW1 to the District Superintendent of Police requesting action regarding forged documents	PW1
Ex.P3	08.06.2016	2 nd Signature of PW2 in 2 nd Accused Confession Statement	PW2
Ex.P4	08.06.2016	2 nd Signature of PW2 in 1 st Accused Confession Statement	PW2
Ex.P5	04.10.2016	1 st Signature of PW4 in Observation Mahazar	PW4
Ex.P6	04.10.2016	2 nd Signature of PW5 in Observation Mahazar	PW5
Ex.P7	12.08.2025	Certified Copy of Doc.No.101/2006 (5 sheets)	PW8
Ex.P8	12.08.2025	Certified Copy of Doc.No.112/2006 (6 sheets)	PW8
Ex.P.9	12.08.2025	Certified Copy of Doc.No.67/2005 (4 sheets)	PW9
Ex.P.10	12.08.2025	Certified Copy of Doc.No.1913/2001 (4 sheets)	PW10
Ex.P.11	12.08.2025	Certified Copy of Doc.No.1952/2005 (8 sheets)	PW10

Ex.P.12	12.08.2025	Certified Copy of Doc.No.174/2005 (6 sheets)	PW10
Ex.P.13	12.08.2025	Certified Copy of Doc.No.2815/2006 (10 sheets)	PW10
Ex.P.14	12.08.2025	Certified Copy of Doc.No.2816/2006 (7 sheets)	PW10
Ex.P.15	12.08.2025	Certified Copy of Doc.No.2817/2006 (7 sheets)	PW10
Ex.P.16	12.08.2025	Certified Copy of Doc.No.2818/2006 (8 sheets)	PW10
Ex.P.17	12.08.2025	Certified Copy of Doc.No.2819/2006 (8 sheets)	PW10
Ex.P.18	12.08.2025	Certified Copy of Doc.No.9454/2009 (11 sheets)	PW10
Ex.P.19	12.08.2025	Encumbrance certificate for the land in Survey No. 89 for the period from 01.01.1933 to 31.12.1966	PW10
Ex.P.20	12.08.2025	Encumbrance certificate for the land in Survey No. 89 for the period from 01.01.1967 to 31.12.1986	PW10
Ex.P.21	12.08.2025	Encumbrance certificate for the land in Survey No. 89 for the period from 01.01.1987 to 30.06.2013 (4 sheets)	PW10
Ex.P.22	14.10.2025	Adangal Register (4 sheets)	PW11
Ex.P.23	14.10.2025	Chitta Register (4 sheets) (Patta Nos. 573, 633, 853, 947)	PW11

Ex.P.24	14.10.2025	Village Annual Cultivation Account Adangal by Survey Number and Holding (RF III A-10-5 00 000-GBP-Mdu-2009)	PW11
Ex.P.25	14.10.2025	FMB (Survey No. 89, Area 07.0)	PW11
Ex.P.26	14.10.2025	A Register	PW11
Ex.P.27	14.10.2025	PW12 Signature in Doc.No.2817/2006	PW12
Ex.P.28	06.03.2026	FIR	PW15
Ex.P.29	06.03.2026	Observation Mahazar	PW15
Ex.P.30	06.03.2026	Rough Sketch	PW15
Ex.P.31	06.03.2026	Fingerprint reports of Nagesh (5 sheets)	PW15
Ex.P.32	06.03.2026	Fingerprint reports of a person named Shankar alias Martin (6 sheets)	PW15
Ex.D.1	05.04.2017	Copy of the judgment in O.S. No. 212/2005 of the Arakkonam Court	PW1

PROSECUTION SIDE MATERIAL OBJECTS: Nil

DEFENCE SIDE WITNESSES: Nil

DEFENCE SIDE EXHIBITS: Nil

DEFENCE SIDE MATERIAL OBJECTS: Nil

Note:

- 1.No witness has been retained for more than three times.
2. Accused remained on bail at the time of trial.
3. Result of this case is informed to the concerned police station.

Judicial Magistrate No.II,
Vellore.