

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE –CHITTUR

Present: Sri. Sivadas S

Judicial First Class Magistrate ,Chittur.

Dated this the 27th day of November, 2025

CMP.No. 3737/2025 IN CC 21/2016

1. Ramakrishnan, aged 61 years,
S/o Sivasankaran, 'Govindalayam'
Kaithamana house, Karuvannurthara,
Koduvayur. : Petitioner/Accused
2. N. Ponnumani, aged 57 years,
S/o K Narayananezhuthachan,
Anandam house, Naripotta, Kunissery.
3. C. Krishnadas, aged 55 years,
S/o Chamy, 'Vismayam',
Mundan View Village, Kallepilli(PO),
Palakkad.

(By: Sri. T. Mahesh, Advocate, Chittur)

State represented by The Sub Inspector of
Police, Pudunagaram police station : : Respondents/ Complainant
in crime no. 668/2014

(By: (By Vaheetha T. A., APP, Chittur.)

Offence : Punishable under Ss. 420, 465, 468, 471, 120(b)
r/w 34 of Indian Penal Code, 1860.

ORDER

This is a petition filed by accused no. 2 under Section 353 of BNSS to examine himself as a witness .

2. The prosecution case in brief are as follows: From 21.07.2008 onwards till 17.06.2014 the 1st accused had drawn the pension of her mother who died on 21.07.2008. After criminally conspiring together with the other accused he forged the life certificate of his deceased mother and 2nd accused had given life certificates without examining whether his mother is alive or not and 3rd accused had helped in

withdrawing the pension amount from her account at SBT, Chittur through SBT, Koduvayur. The first accused has forged the signature of his deceased mother in the withdrawal slip and cheque and presented it as original and with the help of 2nd and 3rd accused he has collected an amount of Rs. 5,65,370/- and thereby cheated the bank and Government and thus the accused committed the above said offence.

3. The averment in the petition in brief are as follows: He is the 2nd accused in this case. After closing the evidence of defence on 30.04.2025 the case of posted for hearing. After that the counsel for accused no. 1 and 2 has argued and it was posted for further hearing he came to understand that the pension payment order which is a crucial document on his side was omitted to be marked. In order to prove his case that document has to be marked otherwise his evidence will not be completed. So he has prayed to examine himself as a witness otherwise it will cause irreparable injuries and hardship to him. So he has prayed to allow the petition.

4. On filing this petition notice was given to the APP. APP filed objection. In the objection it is stated that the case is posted for hearing after posting the evidence of defence. This court has granted sufficient opportunity for the defence to adduce defence evidence but without for adducing evidence at availing that time now they seeking time to protract the case. So she prayed to dismiss the petition.

5. Heard both sides.

6. The learned counsel for the accused no. 2 argued that in this case another petition was filed as CMP 3738/2025 which is to re-open the evidence in order to mark the

document that is a pension payment order which will prove that as on the date on Ext. P45 and P45(a) he was not in service as veterinary surgeon. So in order to mark the document accused no.2 has to be entered into the box. So he prays to allow the petition.

7. The learned APP argued that sufficient opportunity was granted to the accused for adducing defence evidence at that time they have not adducing any evidence and now accused no. 2 wants to examine him as a witness which is to fill up the lacuna in the case. So she prays to dismiss the petition.

8. Along with this petition accused no. 2 has filed a petition to re-open the evidence as CMP 3738/2025 and it was allowed (VSO). As the CMP to re-open the evidence is allowed, main purpose of re-opening the evidence is to mark the documents which is the pension payment order of accused no.2 and in order to mark the document accused no. 2 has to be examined as a defence witness as per his request and so this petition has to be allowed and I do so. The petition is allowed. Produce accused no. 2 for examination.

In the result, the petition allowed.

Dated this the 27th day of November, 2025

Sd/-

Judl. First Class Magistrate-I
Chittur

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Judl. First Class Magistrate-I
Chittur