

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. 3738/2025 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 under Section 348 of BNSS by accused no. 2.

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. The defence evidence was closed in this case on 30.04.2025 and now the case is posted for hearing and after that the hearing of accused no. 1 and 2 were over. At the time of hearing his counsel came to understand that there was an omission to mark the pension payment order which was issued to him. The marking of that document is very much essential in order to prove his innocence. Without that his evidence cannot be completed. So in order to mark the pension payment order he prays to re-open the defence evidence.

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 availing for adducing evidence at 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 petitioner argued that as per Ext. P46 on 01.11.2012 it is seen that the non-employment certificate of the deceased Kamakshi was issued by accused no. 2 on 30.10.2012. But in fact he retired from service on 31.05.2013. So he

was not working over there. On that date he was not in service. In order to prove that fact he want to re-open the evidence.

7. The learned counsel APP contented that the court has granted sufficient opportunity to the defence for adducing evidence. But at that time they have not availed that opportunity and now they have filed this petition in order to protract the case. This document was in their custody at that time itself. What prevented them from producing it at that time is not explained by the defence. So she prays to dismiss the petition.

8. This is a case in which the prosecution case is that accused no. 2 who is a veterinary surgeon has issued life certificate of the deceased Kamakshi to the bank concerned and on the basis of the life certificate that bank has granted pension to accused no. 1. Now according to accused no. 2 he retired from service on 31.05.2012 but the certificate which is marked as Ext. P45 and P45(a) is seen issued on 05.11.2013. But the non-employment certificate dated 30.10.2012 was seen issued by Dr. Ponnumani who is accused no. 2. According to him he retired from service on 31.05.2012 and that will be proved through the pension payment order. Even if the pension payment order is produced that will prove that fact that he retired on 31.05.2012 but with regard to Ext. P46 certificate he has not stated anything as it was seen issued on 30.10.2012 on which he was in service. But as he has got a contention that he was not in service on the date on which Ext. P45 and P45(a) was issued. I find that an opportunity can be granted to the accused no. 2 who was earlier contesting as party in person to prove his case and hence this petition to re-open the evidence is

allowed. The evidence of defence is re-opened.

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