



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, CHENGALPATTU.**

Present: Thiru.T.Chandrasekaran, M.L.,
Principal District and Sessions Judge,
Chengalpattu.

Dated: Wednesday, the 03rd day of June 2026.

Criminal Appeal No.80 of 2019
(CNR No.TNCG01-004486-2019)

(The Criminal Appeal has been preferred against the Judgment
passed by the then learned Judicial Magistrate, Alandur
in C.C. No.768 of 2010 on 07.04.2018)

P.K.Krishnakumar, S/o.P.K.Krishna Pillai,
No.5, Ramachandra Street
Perungudi, Chennai - 97.

... Appellant/defacto complainant

//Versus//

1. Seenivasan, S/o.Thiruvenkadam,
No.28, 1st Street, Seevaram,
Chennai - 96.

... 1st respondent/accused No.1

2. Dhanasekaran, S/o.Natarajan,
No.129, Shanmuga Pillai Street,
Mylapore, Chennai - 4.

... 2nd respondent/accused No.2

3. The State of Tamil Nadu,
Rep. by the Inspector of Police,
J-9, Thuraipakkam Police Station,
Cr. No.1016 of 2009
U/s.420, 506(ii) of IPC

... 3rd Respondent/Complainant



From which Court the Appeal is preferred	The then Judicial Magistrate's court at Alandur.
Number of the case in Lower Court	C.C. No.768 of 2010
Number of the Criminal Appeal	Criminal Appeal No.80 of 2019
Name and Description of the Appellant	P.K.Krishnakumar, S/o.P.K.KrishnaPillai No.5, Ramachandra Street Perungudi, Chennai - 97.
Name and Description of the Respondent	1. Seenivasan, (A1) S/o.Thiruvankadam, No.28, 1 st Street, Seevaram, Chennai - 96. 2. Dhanasekaran (A2), S/o.Natarajan, No.129, Shanmuga Pillai Street, Mylapore, Chennai - 4. 3. The State of Tamil Nadu, Rep. by the Inspector of Police, J-9, Thuraipakkam Police Station, Cr. No.1016 of 2009
The Sentence and law under which it was imposed in the trial Court:	
In the result, the prosecution has failed to prove the charges levelled against the Accused A1 & A2 for the offence U/s.420, 506(ii) of IPC and the accused are acquitted from the charges U/s.248(1) of Cr.P.C.	
Date of Presentation	06.09.2018
Date of Filing	03.10.2019
Date on which notice issued by the Court	03.10.2019
Bail Bond if appellant has been let out on bail/sentence suspended	----
Date on which the Appellant ordered to appear	28.11.2019



Date of First hearing	28.11.2019
Date of Final hearing	30.04.2026
Date of order and Sentence	03.06.2026
Whether confirmed, modified or reversed, and if modified, the modification	Confirmed - In the result, the Criminal Appeal is dismissed by confirming the judgment of acquittal passed by the learned Judicial Magistrate, Alandur in C.C. No.768 of 2010 dated 07.04.2018 and the trial Court records shall be transmitted forthwith to the concerned Court.

This Criminal Appeal came up before me on the 30th day of April, 2026 for final hearing M/s.P.Selvaraj, the learned counsel appearing for the Appellant/defacto complainant, M/s.Rooban Prabhu, the learned counsel appearing for the respondents 1 & 2/accused 1 & 2, M/s.R.Thirumurugan, the learned Public Prosecutor appearing for the Respondent No.3 / complainant, upon hearing both side arguments, upon perusing the written arguments of the appellant/accused and the relevant records and having stood over the matter for consideration till this day, this Court has delivered the following:

JUDGMENT

This Criminal Appeal arises out of the Judgment pronounced by the learned Judicial Magistrate, Alandur in C.C. No.768 of 2010 dated



07.04.2018, whereon the learned Judicial Magistrate concluded that the prosecution has failed to prove the charges levelled against the Accused A1 & A2 for the offence *U/s.420, 506(ii) of IPC*, consequently acquitted the accused persons from the charges U/s.248(1) of Cr.P.C. The defacto complainant / PW1 is the appellant herein.

2. Facts of C.C. No.221 of 2018 in short:

The defacto complainant is residing at No.5, Ramachandra Street, Saravana Nagar, Seevaram, Perungudi, Chennai - 96, within the jurisdiction of the J-9, Thuraipakkam Police Station. The defacto complainant, on 07.08.2008, in order to get B.E. (E.C.E.) Engineering admission at Jerusalem Engineering College for his daughter, paid a sum of Rs.2,72,000/- to the accused A1 and A2. However, after receiving the said money, the accused have failed to secure a seat as assured, even the last date for the admission was over. Though the defacto complainant asked the same, they did not give any proper reply. When the defacto complainant asked to refund the amount of Rs.2,72,000/-, after repeated demands, the accused have returned back only Rs.25,000/- and they assured to return back the remaining amount at the earliest. Meanwhile, when the defacto complainant met the accused on 09.10.2008, the accused have threatened



him with dire consequences, if he is asking for the money, thereby, the accused have cheated the defacto complainant. Thereby on receipt of the complaint, a case in Cr. No.1016 of 2009 has been registered on the file of J-9, Thoraipakkam Police Station, against the accused for the offence U/s.420, 506(ii) of IPC.

3. The Inspector of Police, J-9, Thuraipakkam Police Station conducted investigation and after completion of investigation, laid charge sheet before the then learned Judicial Magistrate, Alandur against the accused A1 & A2 for commission of offences punishable U/s.420, 506(ii) of IPC.

4. The then learned Judicial Magistrate, Alandur after observing all the formalities contemplated under Law, took cognizance of offences and the case was numbered as C.C. No.768 of 2010.

5. Before the learned Judicial Magistrate, in order to prove the case of the prosecution, on the side of the prosecution, four witnesses were examined as PW1 to PW4 and three documents were marked as Ex.P1 to Ex.P3. No Material objects have been marked. No witnesses examined and no documents were marked on the side of the defence.



6. The deposition of prosecution witnesses in brief are as follows:

PW1. Thiru.Krishnakumar:

The PW1 is the resident of Ramachandra Street, Perungudi; he is working at Ashok Marketing company; his daughter is Anjali (PW.2); she completed her Plus 2 examination during the year 2008; she joined E.E.E Engineering course at M.N.M. Engineering college; in order to join Jerusalem Engineering College (near Pallikaranai), for admission he paid a sum of Rs.2,72,000/- to Srinivasan; the amount was paid by cash on various instalments at Srinivasan's residence; for which, Srinivasan not issued any receipt immediately, but issued receipt after some time; even till the end, he did not obtain admission for his daughter; he handed over the receipts to the police; though he requested his money from the said Srinivasan on several times, there was no improvement; he identified the first accused present before the court as Srinivasan.

PW2. Ms.Anjali:

The PW1 is the father of PW2; on 07.08.2008, the accused Srinivasan - who is present before the court, obtained a sum of Rs.2,72,000/- from her father, for securing admission for her at Jerusalem Engineering College, Pallikaranai; one week later, while contacted him, he



replied that no admission could be obtained; hence they requested for return of the money; but he refused to return back the money; while they repeatedly demanded money, he used to threaten them; she never see the second accused; but she knows that he is Dhanasekaran; later she came to know that the Dhanasekaran gave Rs.25,000/- to her father at her residence, for the amount they already paid and they paid the amount by cash.

PW3. Thiru.Mohanarangam:

The PW.3 was working as Executive Officer at Perungudi Town Panchaayat and got retired from service; he did not know PW1 and PW2; while he was working, the 1st accused was working as Vice President in the Town Panchayat; since the Inspector of Police, Thuraipakkam Police station requested the documents in which the 1st accused signed, he handed over the copies of attendance register which contains the signature of the 1st accused.

PW4. Thiru.Gowthaman, Inspector of Police:

The PW4 is the Investigating Officer; on 19.11.2009 at 06.00 hours in the evening, while he was on duty, he received the complaint from PW1 and registered a case in Cr. No.1016 of 2009 for the offences U/s.420, 506(ii) of IPC; he took up the case for investigation and went to the scene of



occurrence, enquired the witnesses and recorded their statements; he also seized the receipt which was executed by the accused Srinivasan admitting the receipt of money from the defacto complainant and accepted to repay the amount; in order to compare the signature of the accused Srinivasan, he obtained sample signatures in three papers in the presence of witnesses Muthu and Raja; further he obtained cheque forms from Kumaran, Manager, State Bank of India, where the accused maintained his bank account; further he obtained attendance register which contains the signature of the accused Srinivasan from the Executive Officer Mohanarangan from the Panchayat Office, where the accused was working as Vice President; he sent the above documents to the Forensic Lab through the Court, for comparison; since the Forensic Science Department returned those documents, the documents have not been subjected to examination; the witnesses Kumaran and Mohanarangan stated and admitted that they know the signature of the accused Srinivasan; they further admitted that the signature found in the receipt issued by the accused Srinivasan accepting to return the money and the signature found place in the documents furnished by them are one and the same and those signatures belong to the accused Srinivasan. After completion of investigation, he laid the charge sheet against the accused persons for the offences U/s.417, 294(b), 506(i) of IPC.



7. After completion of a full-fledged trial, on 07.04.2018, the learned Judicial Magistrate, Alandur pronounced Judgment, concluding that the prosecution has failed to prove the charges levelled against A1 & A2 for the offences *U/s.420, 506(ii) of IPC*, consequently acquitted the accused from the charges U/s.248(1) of Cr.P.C.

8. The adjudication of the trial court are as under:

- a) The P.W.4 has spoken about the investigation conducted by him and P.W.3 has deposed about he handed over the copies of attendance register which contains the signature of the 1st accused to P.W.4. While so the witnesses who could speak about the incriminating materials could be P.W.1 and P.W.2 only.
- b) There is no eye witness examined to corroborate the payment of Rs.2,72,000/- by P.W.1 to A1.
- c) The primary document of receipt M.O.1 has not been subjected to scientific comparison by the Forensic Science Department for want of contemporaneous document containing the admitted signature of A1 by returning the sample signature Ex.P3 dated 18-04-2010.
- d) Hence the trial court is unable to confirm whether the M.O.1 was signed by A1 and he was liable to return the amount of Rs.2,72,000/-.
- e) Hence from the deposition of P.W.1 and P.W.2 not supported by any documentary proof, the court cannot come to the conclusion that A1 cheated P.W.1 on false promise.



f) The P.W.1 and P.W.2 have not whispered anything about the commission of offence under Sec.506 (ii) of I.P.C.]

g) The accused are entitled to benefit of doubt to be extended in their favour in the facts and circumstances of the case on hand.

9. Being aggrieved by the said Judgment of the trial court acquitting the accused persons, this Criminal Appeal is preferred by the Appellant/defacto complainant.

10. Grounds raised in the Memorandum of Criminal Appeal:

- The Judgment of the trial court has utterly failed to come to the conclusion that the prosecution has proved its case by all valuable documents.
- The deposition of PW1 clearly speaks about the receipt of money by A1 and thereafter cheated by A1.
- The PW2 supported the case of PW1.
- The PW3 has handed over the Panchayath Register containing A1's signature to PW.4 (Investigating Officer).
- PI No.324 of 2010 is the receipt issued by A1 to PW1 which was taken on file.
- The deposition of PW4 (Investigation Officer) clearly states about the involvement of A1 and A2 into the crime. In his evidence, PW4 clearly states that A1 admitted that he agreed to return the money.
- As promised, A1 has not secured the seat for PW1's daughter (PW2)



in Jerusalem Engineering College and further A1 has not returned the money. This is clearly evident from the cross examination of the investigation officer (PW.4), by defence side. In the cross examination, PW4 clearly states that in his investigation, A1 after obtaining money for getting a seat, has not got the seat. In the receipt, it is clearly mentioned that the seat would be got from Jersualem College only. In the cross examination of PW4 (Investigating Officer), the defence has established the prosecution case. All these aspects were not considered by the trial court which ended in grave injustice.

- Further the PW4 (investigating Officer) deposed that PW3 Mohanarangan stated that the signature in the Panjayath Register and the signature of A1 in the receipt are one and the same.
- It is not the fault of PW1 that PW4 (Investigating Officer) has not resubmitted the papers to the forensic department, containing the signatures of the same period of A1, with that of the receipt. To meet the ends of justice, this court can remand the case to the trial court on that aspect, by giving suitable directions.
- The available material on records clearly proved the case of the prosecution and in the circumstances this court has all the powers to revise the Judgment of the trial court and the correctness of the judgment to meet the ends of justice.

11. Written arguments filed by the Appellant:

- The case of the prosecution is that the accused 1 and 2 have cheated the defacto complainant/appellant by taking money, promising to get



an engineering seat for the Appellant's Daughter in "Jerusalem Engineering College", later on the accused 1 and 2 did not get seat, thus the Appellant/Defacto Complainant was cheated of his money and when asked for return of money, the accused 1 & 2 threatened him with dire consequences.

- During investigation, PW1 to PW4 were enquired and their statements were recorded.
- Admittedly, Accused No.1, was a Panchayat vice-president and an influential person. The complaint was lodged on 19.11.2009. After coming to know of the deception and threatening, the complaint was lodged. For this a period of nearly three months passed. The alleged payment of money was on 07.08.2008. The police were informed on 19.11.2009. In the circumstances, there was no delay in lodging the complaint. F.I.R. was registered in Cr. No.1016 of 2009 under section 420, 506(ii) IPC.
- The prosecution examined 4 witnesses, namely PW1, Krishnakumar, PW-2 Anjali, Daughter of PW1, PW3, Mohanarangam, Panchayat Staff and PW4-Gowthaman, Inspector of Police and the investigation officer.
- Prosecution marked 3 documents viz., (1) Complaint dated 19.11.2009, (2) F.I.R. dated 19.11.2009, (3) Exhibit P3, dated 18.04.2010, containing the sample signatures of A1, besides marking Material Object namely (P.I. No:324/2010), Receipt issued by A1 acknowledging the receipt of money, concerned in the case.



- PW1 has categorically stated what has happened and how he was promised and cheated of his money. The aforesaid material object namely the "Receipt" proves the prosecution case to the hilt.
- Al's signature tallied with the signatures in the Register maintained by the Panchayat Office where Al was a Vice-president, during the relevant time. The evidence of PW3 clearly speaks about the tally of signatures of A1.
- The finding of the Trial Court that the signatures during the same period were not sent to Forensic Department, will not disqualify the case of the prosecution, in the circumstances of the case as stated supra.
- The material object namely the receipt was taken on file by the Trial Court. The said receipt clearly mentions, parting of Rs.2,72,000/- to procure a seat. The issuance of receipt was not at all got over by the Accused No:1. The cogent evidence of the PW1 and PW3, and the evidence of PW4 the investigation officer, clearly prove the case of the prosecution. While it is so, the cross-examination of PW2 will not affect the prosecution and her evidence is natural. Her father PW1 only dealt with the matter with A1 and A2, and not PW2.
- The cross-examination of PW1, PW3 and PW4, has not done any damage to the prosecution case. The cross-examination of aforesaid witnesses fortify the case of the prosecution.
- The Trial Court should not expect more than the clear evidence adduced by the prosecution in cases of this nature.



- Admittedly A1 was a Vice-President of the Panchayat concerned and the threatening of A1 towards the Appellant was true through the mouth of PW1 and the Cross-examination part of PW4(Investigating Officer). The PW4 clearly says that A1 was absconding for quite some time. This clearly shows the guilt of A1. The A2 participated along with A1. In the deal, both of them have wrongfully gained the money which was parted. That is wrongful loss caused to PW1. In the circumstances Section 420 IPC is made out and the threatening of PW1 by the Accused persons is clearly made out for the offence of 506(ii) IPC.

12. The points for consideration in this appeal are:

1. Whether the judgment of the trial Court in acquitting A1 & A2 from the charges U/s.420, 506(ii) of IPC is liable to be set-aside?
2. Whether the Appeal can be allowed?

13. For the convenience's sake the parties are referred to hereunder in accordance to their litigative status before the trial Court.

Point No.1 & 2

14. This Court has carefully considered the entire oral and documentary evidence available on record, the findings of the learned trial Magistrate, the grounds raised in the appeal memorandum, and the written arguments submitted by both sides.



15. It is the definite case of the prosecution that the accused persons received a sum of Rs.2,72,000/- from the defacto complainant under the promise of securing admission for PW2 in Jerusalem Engineering College. The prosecution further alleges that after receiving the amount, the accused failed to secure admission and thereafter refused to repay the amount except for a partial repayment of Rs.25,000/-.

16. As per the complaint dated 19.11.2009, the amount of Rs.2,72,000/- was handed over to A1 and A2. It is also disclosed in the complaint Ex.P1 that the acknowledgment written as if A1 stood as guarantor for the amount received from P.W.1 which was not within his knowledge as he does not know Tamil. The further imputation in the complaint would be that on 09.10.2008 the accused persons threatened the defacto complainant with dire consequences. As such one thing is quite clear that the complaint is infirmed with inordinate delay and the chances for embellishments cannot be ruled out. The prosecution is lacking any prior complaint lodged with Public Grievance Cell at Commissioner Office, Egmore.

17. The paramount document of M.O.1 though not available in the case bundle, from the typed set filed by the defacto complainant/ appellant



side, the letter dated 07.08.2008 is found to be written for the amount of Rs.2,72,000/- received by A2 for securing college seat in Jerusalem College which is duly attested by A1 by putting his signature as witness. As per M.O.1, the amount was not received by A1. As such the M.O.1 loses its significance and this court cannot keep the matter pending endlessly for want of the original M.O.1 by addressing the court below periodically smelling the fact that the trial court is unable to trace out the same in spite of diligent search.

18. The core question that arises for consideration is whether the prosecution has established beyond reasonable doubt that the accused persons had dishonest intention at the inception itself so as to attract the ingredients of Section 420 IPC.

19. It is an admitted fact that no documentary proof regarding payment of Rs.2,72,000/- except the disputed receipt marked as M.O.1 is available. Though P.W.1 and P.W.2 have consistently spoken about payment of money, admittedly the amount was allegedly paid in cash on different dates and no independent witness has been examined to corroborate the same. Further, no bank transaction, account statement, withdrawal proof, or



contemporaneous written communication has been produced before the Court.

20. The prosecution mainly relies upon M.O.1 receipt. However, a careful reading of the said document reveals that the amount was allegedly received by A2 and A1 had only signed as a witness/guarantor. The prosecution has not satisfactorily established that A1 directly received the amount. Moreover, the signatures found in M.O.1 were admittedly not scientifically compared by the Forensic Science Department. The P.W.4 has categorically admitted that the documents were returned unexamined. Therefore, the genuineness and evidentiary value of M.O.1 remain doubtful.

21. The P.W.2 is absolutely a hearsay witness and it brought to lime light in her cross examination that she did not go along with her father P.W.1, she came to about the payment of amount from her father and she had no knowledge about the seat secured from Tagoor Engineering College. She is also a hearsay witness as far as refund of Rs.25,000/- is concerned. Thus, she has not supported the prosecution case leaving P.W.1 the solitary witness to speak about the crime. Whereas the P.W.1 in his cross examination self-contradicted by stating that he paid the entire amount in one stroke contrary to the averment made in the complaint Ex.P.1 that he



paid the amount in various instalments. He also pleaded ignorance about the seat allegedly secured from Tagoor Engineering College. Even for the receipt of Rs.25,000/-, he has no documentary proof at all.

22. Though P.W.3 has spoken about handing over Panchayat records containing the signature of A1, he has not stated that he personally compared and identified the disputed signature in M.O.1 before the Court. His evidence is only formal in nature. Likewise, the evidence of P.W.4 regarding the alleged admission of A1 during investigation cannot be treated as substantive evidence in the absence of legally admissible corroboration.

23. Further, this Court finds considerable force in the finding of the trial Court regarding delay in lodging the complaint. As stated supra the alleged occurrence relates to the year 2008 whereas the complaint came to be lodged only on 19.11.2009. No convincing explanation has been offered for such substantial delay. In cases involving allegations of cheating and criminal intimidation, unexplained delay assumes significance since the possibility of exaggeration and embellishment cannot be completely ruled out.

24. Coming to the offence under Section 506(ii) IPC, except a bald allegation that the accused threatened the complainant, there is absolutely



no specific overt act, exact words of intimidation, or circumstances spoken to either by P.W.1 or P.W.2 so as to constitute criminal intimidation attracting Section 506(ii) IPC. The essential ingredients of the said offence are therefore not made out.

25. It is a settled principle of criminal jurisprudence that suspicion, however strong, cannot take the place of legal proof. Equally, in an appeal against acquittal, unless the findings of the trial Court are perverse, wholly unreasonable, or contrary to evidence on record, the appellate Court must be slow in interfering with an order of acquittal. In the present case, the learned Judicial Magistrate has properly appreciated the oral and documentary evidence available on record and has assigned valid and cogent reasons for extending the benefit of doubt to the accused persons. This Court does not find any perversity, illegality, or material irregularity in the findings rendered by the trial Court warranting interference.

26. The contention of the appellant that the matter should be remanded for fresh forensic examination also cannot be accepted at this distant point of time, particularly when the prosecution had sufficient opportunity during trial to establish the document in the manner known to



law. Remanding the matter after several years would only amount to filling up lacunae in the prosecution case, which is impermissible. Accordingly, this Court holds that the prosecution has failed to prove the charges against A1 and A2 beyond reasonable doubt and the accused are entitled to the benefit of doubt.

In the result, the Criminal Appeal is dismissed by confirming the judgment of acquittal passed by the learned Judicial Magistrate, Alandur in C.C. No.768 of 2010 dated 07.04.2018 and the trial Court records shall be transmitted forthwith to the concerned Court.

Dictated to the Steno-typist, directly computerized by him, corrected and pronounced by me in open Court, on this 03rd day of June 2026.

**Principal District and Sessions Judge,
Chengalpattu.**

**List of Witnesses and Evidences on Appellant's side: - NIL -
List of Witnesses and Evidences on Respondent's side: - NIL -**

**Principal District and Sessions Judge,
Chengalpattu.**