JUDICIAL MAGISTRATE COURT NO.1, PERAMBALUR

PRESENT: TMT.V.C.THAARINI, B.A., B.L.(HONS), M.L.,
Judicial Magistrate No.1,
Perambalur.

Tuesday, 14th day of July 2026

C.C.No.113 of 2011

(CNR NO.TNPB02-000209-2011)

<table>
<tr><td>Name of the Police Station and the Crime Number of the offences</td><td>:</td><td colspan="3">State of Tamilnadu,
Rep. by Inspector of Police,
District Crime Branch,
Perambalur.
Cr. No.33/2010

u/ss. 465, 468, 474 IPC r/w 34 IPC.</td></tr>
<tr><td>Name of Accused</td><td>:</td><td colspan="3" rowspan="5">1.Hazina Beebi (70/2011), (Died)
W/o. Abdul Jameel Sayabu,
Door No.58 C4, West Street,
Labbaikudikaadu.

2. Naseer Ahammed (40/2011),
S/o.Abdul Jameel Sayabu,
Door No.58 C4, West Street,
Labbaikudikaadu.

3.Alsha Shek Mohammed(60/11), (Died)
S/o.Abdul Razak,
1/147, Alsha Nagan,
Labbaikudikaadu.

4.Muthaiah
S/o.Vendhaiyan,
Tahsildar,
Veppanthattai Taluk,
Perambalur District.</td></tr>
<tr><td>Father’s Name of Accused</td><td>:</td></tr>
<tr><td>Residence</td><td>:</td></tr>
<tr><td>Occupation</td><td>:</td></tr>
<tr><td>Age</td><td>:</td></tr>
<tr><td>Date of Occurrence</td><td>:</td><td colspan="3">08.04.2009 to 28.04.2009</td></tr>
<tr><td>Remand Period of Accused.</td><td></td><td>Accused</td><td>Remanded on</td><td>Released on</td></tr>
</table>

		A1	AB	AB
		A2	23.12.2010	06.01.211
		A3	AB	AB
		A4	--	--
Date of filing Final Report	:	01.04.2011		
Date of Cognizance		01.04.2011		
Commitment	:	--		
Date of Questioning of Accused u/s.228, 240, 246 and 251 of the Code of Criminal Procedure, 1973,		13.12.2012 & 05.07.2023		
Date of Examination of Wintesses.	:	**Wintesses**	**Chief**	**Cross**
		PW1	17.12.2018	21.08.2024
		PW2	02.11.2020	02.11.2020 08.10.2024
		PW3	18.04.2022	21.08.2024
		PW4	18.05.2022	03.09.2024
		PW5	14.06.2022	22.10.2024
		PW6	12.09.2022	19.09.2022 15.10.2024
		PW7	19.09.2022	08.10.2024
		PW8	21.11.2022	25.11.2024
		PW9	13.02.2025	13.02.2025
Date of questioning u/s. 313(1)(b) of Cr.P.C		12.03.2025		

Filing of all Misc. petitions and their results including on challenge before Superior Courts, Except routing Petitions like 317 of Cr.P.C	:	**Crl. MP No.**	**U/s.**	**Result**	**Appeal,if**
		9037/2022 &7865/2023	311	Allowed	
		525/2025	311	Dismissed	
		722/2019	319	Dismissed	Allowed
Sentence or Order	:	14.07.2026			
Service of copy of Judgment or finding on Accused	:	No. Acquittal.			
Explanation of delay	:	Prosecution failed to produce the witness in time.			

This case came before me on the 7th of July, 2026 in the presence of Mr.S.Shanmugaraj, Gr.I-Assistant Public Prosecutor for Prosecution, and Mr.P.Krishna Arjun, Advocate for Accused No.2 and Mr.M.A.Chinnappa, Advocate for the Accused No.4, upon perusal of records, hearing the arguments of both sides and having stood over for consideration till this day, this Court delivers the following.

JUDGEMENT

This case is arising out of a final report filed under Section 173 of the Code of Criminal Procedure, 1973 (hereinafter referred as "Cr.P.C"), by the District Crime Branch, Perambalur, against the accused persons, for offences punishable under Sections 465, 468, 474 r/w 34 of the Indian Penal Code, 1860 (hereinafter referred as "IPC").

2. Gist of the facts of the case as per the final report:-

The de-facto complainant namely Mr.Abdul Jameel Sayabu, son of Mr.Ziavudeen Sayabu, was in possession and enjoyment of land bearing Survey Nos.71A 17 and 18, having total extent of 2.74.5 ares in Eraiyur, for forty years. With an intention to grab this property, the accused persons 1 and 2 (Mrs.Hasina Bibi, wife of Mr.Abdul Jameel Sayabu and Mr.Nasir Ahamed, son of Mr.Abdul Jameel Sayabu) sold the property to the 3rd accused namely Mr.Alsa Seikh Mohammed on 28.04.2009 (by a registered sale deed before the Sub-Registrar of Valikakandapuram), by creating forged revenue records as if they have been in possession and enjoyment of the property for twenty years. Hence this case as against the accused persons 1 to 3 for offences under Sections 465, 468, 474 r/w 34 of IPC.

3. Proceedings before the Court:-

On perusal of records, cognizance was taken and summons were ordered to be issued to the accused persons. On their appearance, copies were furnished free of cost. The accused persons were questioned with regard to the substance of accusation, for which they pleaded "not guilty" and stated that a false case has been concocted as against them. Charges were framed under Sections Sections 465, 468, 474 r/w 34 of IPC against all of them. These charges were read out and explained to them in Tamil. By the order of the Hon'ble Madras High Court dated 20.12.2022 in Crl.M.P.No.722 of 2019, Mr.Muthaiah, Tahsildar who signed the computer copy of the revenue record namely the chitta, was also impleaded as the 4th accused in the case. All procedural formalities as explained above were then complied for the 4th accused as well.

4. Gist of the case of the prosecution as seen from the evidence submitted:-

Summons were ordered to be issued to the witnesses on the side of the prosecution. The prosecution has enlisted thirteen witnesses, out of which nine witnesses (PW1 to PW9) have been examined. Exhibits P1 to P10 have been marked. PW8 and PW9 are the investigating officers of this case.

5. Mrs.Rathinambal (PW8), Inspector of Police, deposed that she received the complaint (Exhibit P1) submitted by the de-facto complainant Mr.Abdul Jameel Sayabu (PW1) on 04.06.2019 and registered the FIR (Exhibit P10) in Crime No.33 of 2010, under Sections 464(2), 465 and 468 of IPC. She further stated that she went to the scene of crime and then went to Labbaikudikaadu to examine the witnesses. She allegedly then gave requisitions to the Sub-Registrar office, Valikakandapuram, VAO of Eraiyur and Tahsildar office of Veppanthattai, to obtain the original documents and the Talshildar of Kunnam to obtain details pertaining to the ownership and other details of the property.

6. She allegedly also examined the witnesses and obtained the patta pass-book (Exhibit P2) from the de-facto complainant and the other documents (sale deed-Exhibit P4 and computer of copy of chitta-Exhibit P3) for the purpose of enquiry. She also stated that she proceeded to arrest the 2nd accused and that the accused persons 1 and 3 obtained anticipatory bail. She further allegedly submitted the death certificate of the 1st accused to the Court and handed over the file to Mr.Rajasundar (PW9) for continuation of investigation.

7. Mr.Ahamed Hussain (the son-in-law of PW1 as PW2), Mrs.Noorul Hitha Begum (wife of PW1 as PW3), Mr.Soukath Ali (relative of PW1 as PW4), Mr.Abdul Nasar (relative of PW1 as PW5), Mr.Subramanian (VAO-PW6), Mr.Jaffar Hussain (PW7), Mr.Parvez Ahamed, Mr.Kumar (Tahsildar), Mr.Abdul Jamad and Mr.Mohammed Ali are the witnesses allegedly examined by PW8.

8. PW9 deposed that he examined the witnesses already examined by PW8, but did not record their statements as they reiterated the same contents. He allegedly examined PW9, submitted a Report for alteration of charges (Exhibit P11) before the Court and filed the final report.

9. Questioning under Section 313 of Cr.P.C:-

On closure of the evidence on the side of the prosecution, the accused persons were questioned with regard to the incriminating circumstances in the evidence as against them, as per Section 313 of Cr.P.C. They denied the evidence as false and stated that there is no evidence on the side of the defence.

10. Arguments:-

The counsel for the 2nd accused argued that a false case has been filed as against the 2nd accused and that the property in question is not the property of the de-complainant. The counsel also argued that legal notices were exchanged between the parties concerning the property dispute. The counsel for the 4th accused argued that the 4th accused cannot be made responsible just because his signature is present in the computer copy of the chitta.

11. Point for determination:-

Whether the prosecution proved the guilt of the accused persons beyond reasonable doubt?

12. Discussion and reasoning:-

(i) Heard and records perused. The name of PW1 and the name of the predecessor of the accused persons 1 and 2 is the same. According to the prosecution, the accused persons 1 to 3 made use of this coincidence to grab the property of PW1, by obtaining a chitta in the name of the accused persons 1 and 2, as if the property belongs to them. With the help of the allegedly forged chitta that was allegedly obtained with the aid of the 4th accused who was the Deputy Tahsildar, the property was sold by the accused persons 1 and 2 to the 3rd accused. Exhibit P2 reflects the name of PW1. Exhibit P4 (Sale deed) and Exhibit P5

(Death certificate of the father of PW1) have been filed to show that the property absolutely belongs to PW1. Exhibit P6 is the Encumbrance certificate reflecting the names of the accused persons 1 to 3. Exhibit P9 shows the boundaries of the property.

(ii) The defacto-complainant (PW1) deposed that he has been in possession and enjoyment of his property (part of which was sold to him by his brother through Exhibit P4) for the past forty years and that chitta and patta pertaining to the property is in his name. He further stated that he met the accused persons 1 and 2 at the office of the VAO of Eraiyur, that the VAO (PW6) told him that the accused persons have requested for transfer of patta in their name by showing a certain document. He further alleged that he was shocked to see the computer chitta bearing the detail Abdul Jameel, son of "Abdul Buhari", instead of his father's name "Ziavudeen". He had prior obtained a computer chitta dated 30.03.2004 (Exhibit P7) for the purpose of purchasing a tractor. He alleged that the person who signed both the chittas are the same.

(iii) PW1 further stated in his examination-in-chief that the Tahsildar and the Deputy Tahsildar did not pay heed when approached and that the Deputy Tahsildar also threatened him through his OA. He allegedly understood on receipt of the Encumbrance certificate (Exhibit P6) and Copy of the sale deed (Exhibit P8) that he was cheated. The sale deed was registered in the SRO, Valikakandapuram on 28.04.2009. As no action was taken on the complaint lodged before the

Superintendent of Police, a petition (Exhibit P1) was filed before the Court for a direction to register FIR. No proper reason was given for the change of name in the chitta even when approached through RTI. The accused persons 1 to 3 along with the 4^{th} accused allegedly conceived a plan to commit forgery. PW1 further deposed that it is not known how the sale deed came to be registered only on the basis of the forged chitta. The death certificate of the father of the 2^{nd} accused was marked as Exhibit P5.

(iv) PW2 deposed that PW1 came to know about the change in name in the chitta when he went to the Registrar office to obtain Encumbrance certificate for the sake of partition of his property in the name of his heirs. PW3 stated in her chief-examination that her brother-in-law sold his portion of the property in favour of her husband, that PW6 informed PW1 about the attempt of the accused persons to change the revenue records in their name, that her husband came to know about the alleged forgery and that her husband gave a police complaint.

(v) PW4 stated in his chief-examination that they came to know about the forgery on verification of the encumbrance certificate that they obtained from the Sub-Registrar's office for the purpose of execution of a partition, that the 4^{th} accused challenged them to do whatever they can and that PW1 lodged a police complaint.

(vi) PW5 stated in his chief-examination that his father was maintaining the property of PW1 as he was living abroad, that the accused persons 1 to 3 forged documents with the aid of the 4th accused and that PW1 lodged a police complaint. PW6 submitted Exhibit P9, which contains the details concerning the boundaries of the property allegedly belonging to PW1. The name and father's name of PW1 is present in Exhibit P9. During his cross-examination, PW6 stated that he did not directly meet the police and that he handed over Exhibit P9 to PW1, based on the letter addressed by the police, which was handed over to him by PW1. PW7 deposed that the 2nd accused forged patta and sold the land belonging to PW1 to someone else, that PW1 gave a complaint and that the police enquired him in his shop. Let us now discuss if the prosecution has successfully proved the guilt of the accused persons.

(vii) First of all, it is seen that the investigation as such is not satisfactory in nature. PW9 admitted in his cross-examination that he did not examine the 4th accused before filing the final report. Allegedly, the 4th accused has signed the allegedly forged chitta. The police should have either examined him as a witness, giving him the scope to explain the circumstances under which he signed the document. Otherwise, he should have been named as an accused (the 4th accused was only impleaded based on the order of the Hon'ble Madras High Court). The police failed to do both.

(viii) The sale deed in Exhibit P8 was registered on 28.04.2009 and the computer copy of the chitta in Exhibit P3 was obtained by PW1 on 08.04.2010. It is the case of PW1 that the sale deed was registered with the aid of a forged chitta that was prepared by the accused persons. This "forged chitta" that is said to be the basis for the execution of the sale deed is nowhere to be seen. Exhibit P3 that is signed by the 4th accused has only been obtained after the execution of the sale deed and this cannot be taken into consideration as a replacement for the "forged chitta".

(ix) Most importantly, it has not been proved that this "forged chitta" existed at the time of registration. There is equally no evidence that the document was ever presented before, verified by, or relied upon by the Sub-Registrar while admitting the sale deed for registration. The Sub-Registrar who registered the document has not been examined. On the contrary, a perusal of Exhibit P8 discloses that the accused persons 1 to 3 personally appeared before the Registering Officer and executed Exhibit P8 in their own names.

(x) The Hon'ble Supreme Court has explained Section 464 of the Indian Penal Code, 1860 in the case law ***Md.Ibrahim & Ors vs State Of Bihar & Anr,*** reported in 2010 AIR SCW 405, as follows:-

> *"10. An analysis of section 464 of Penal Code shows that it divides false documents into three categories:*
>
> *10.1) The first is where a person dishonestly or fraudulently makes or executes a document with the intention of causing it to be believed that such document was made or executed by some other person, or by the authority*

of some other person, by whom or by whose authority he knows it was not made or executed.

10.2) The second is where a person dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part, without lawful authority, after it has been made or executed by either himself or any other person.

10.3) The third is where a person dishonestly or fraudulently causes any person to sign, execute or alter a document knowing that such person could not by reason of (a) unsoundness of mind; or (b) intoxication; or (c) deception practised upon him, know the contents of the document or the nature of the alteration.

11. In short, a person is said to have made a `false document', if (i) he made or executed a document claiming to be someone else or authorised by someone else; or (ii) he altered or tampered a document; or (iii) he obtained a document by practicing deception, or from a person not in control of his senses.

…There is a fundamental difference between a person executing a sale deed claiming that the property conveyed is his property, and a person executing a sale deed by impersonating the owner or falsely claiming to be authorised or empowered by the owner, to execute the deed on owner's behalf. When a

person executes a document conveying a property describing it as his, there are two possibilities. The first is that he bonafide believes that the property actually belongs to him. The second is that he may be dishonestly or fraudulently claiming it to be his even though he knows that it is not his property. But to fall under first category of `false documents', it is not sufficient that a document has been made or executed dishonestly or fraudulently. There is a further requirement that it should have been made with the intention of causing it to be believed that such document was made or executed by, or by the authority of a person, by whom or by whose authority he knows that it was not made or executed. When a document is executed by a person claiming a property which is not his, he is not claiming that he is someone else nor is he claiming that he is authorised by someone else. Therefore, execution of such document (purporting to convey some property of which he is not the owner) is not execution of a false document as defined under section 464 of the Code."

Therefore we cannot hold that the accused persons 1 to 3 have committed forgery just because they executed Exhibit P8 fraudulently.

(xi) In fact, there is no evidence to show that the 4th accused was serving as the Deputy Tahsildar of Veppanthattai at that relevant point of time when the said "forged chitta" was allegedly issued. According to PW1 (as per his chief-examination), the signatory of Exhibit P3 and Exhibit P7 are the same. But on perusal of the said exhibits, it is seen that the signatories of the exhibits are different. Only Exhibit P3 has been signed by the 4th accused. During his cross-examination, PW1 has stated that he does not know as to who made changes in the patta, that he does not know as to who made changes in the computer. PW9 admitted in his cross-examination that the Tahsildar stated during his enquiry that even the computer assistant working in the office could have made changes in the details concerning the patta. PW8 stated in his cross-examination that she did not enquire the details concerning the person who took the print out of the computer chitta. The other persons who were engaged in preparation of Exhibit P3 have not been examined by the police. While so, the 4th accused cannot be solely held responsible when *mens rea* stands unproved.

(xii) During his cross-examination, PW2 stated that the facts stated by him during his chief-examination were known to him through PW1 only, thus conveying his lack of personal knowledge on this issue. PW5 also stated so, during his cross-examination. PW3 stated during her cross-examination that the police did not enquire her. Moreover, PW2 (during his chief-examination) and PW3 (during her cross-examination), PW4 (during his chief-examination) stated that PW1 came to know about the alleged forgery only when he went to the Sub-Registrar's office for the purpose of transfer of property in the name of his heirs. This is in contrast to the version of PW1, who has stated in his chief-examination that PW6 only alerted him about the alleged forgery. PW7 stated in his cross-examination that he does not know as to who made changes in the patta.

(xiii) Thus the existence of the "forged chitta" which is the foundation of the whole case has not been proved. In the complete absence of evidence establishing that a copy of chitta signed by the 4th accused existed prior to or at the time of execution of Exhibit P8, Exhibit P3, a document which came into existence after execution of Exhibit P8, cannot at all be considered to convict the accused persons. And as discussed with the case law mentioned above, the accused persons 1 to 3 cannot be convicted for the offence of forgery even if they had fraudulently executed Exhibit P8, as they have signed in their own names. As forgery has not been proved, the charge under Sections 465, 468, 474 r/w 34 of IPC are not made out. Thus the case of the prosecution entirely fails. Therefore, on analysis of the oral and documentary evidences, this Court is inclined to hold that the prosecution has not proved the guilt of the accused persons beyond reasonable doubt. The accused persons 1 and 3 passed away. Hence the criminal proceedings as against them shall stand abated.

In the result, the accused persons 2 and 4 are not found guilty for the offences under Sections 465, 468, 474 r/w 34 of IPC and hence they are acquitted as per Section 248(1) of Cr.P.C. The criminal proceedings as against accused persons 1 and 3 shall stand abated.

No case property produced and therefore, no order passed concerning the same.

THAARINI V C
JUDICIAL MAGISTRATE No1
Digitally signed by THAARINI V C
Location: PERAMBALUR

Directly typed by me in my computer and after taking print out and after carrying out corrections whereever necessary and pronounced by me in the open court on 14th day of July 2026

Judicial Magistrate No.1
Perambalur.

List Of Prosecution Side Witnesses:

PW1	:	Mr. Abdul Jameel Sayabu
PW2	:	Mr. Ahamed Hussain
PW3	:	Mrs. Noorul Hitha Begum
PW4	:	Mr. Soukath Ali
PW5	:	Mr. Abdul Nasar
PW6	:	Mr. Subramanian, VAO
PW7	:	Mr. Jaffar Hussain
PW8	:	Mrs. Rathinambal, Inspector of Police,
PW9	:	Mr. Rajasundar, Deputy Superintendent of Police

List Of Prosecution Side Exhibits:

Ex.P1	:	Complaint petition
Ex.P2	:	Patta Pass Book
Ex.P3	:	Computer copy of Chitta
Ex.P4	:	Saled Deed
Ex.P5	:	Death Certificate of the father of PW1
Ex.P6	:	Encumbrance Certificate
Ex.P7	:	Chitta
Ex.P8	:	Sale deed
Ex.P9	:	VAO Certificate
Ex.P10	:	FIR, in Cr.No.33/2010 dated:04.06.2010
Ex.P11	:	Alteration Report

List of Defence Side witness : Nil
List of Defence Side exhibits : Nil
Material Objects : Nil

Note :

1. Accused are on bail at the time of trial.
2. Result of the case is informed to prosecution.
3. No witness was detained for more than 3 days

THAARINI V C
JUDICIAL MAGISTRATE No1
Digitally signed by THAARINI V C
Location: PERAMBALUR

Judicial Magistrate No.1
Perambalur.

Date:14.07.2026 JM-1, Perambalur