

IN THE COURT OF JUDICIAL MAGISTRATE No I,
THANJAVUR DISTRICT.

Present:- Selvi. S.T. Kanimozhi, L.L.M.,
Judicial Magistrate No. I,
Thanjavur.

Monday, the 16th day of March 2026

CALENDAR CASE No: 258 of 2005

CNR No. TNTJ05-000003-2005

The State rep by
The Inspector of Police,
DCB Thanjavur,
in Cr. No.14/2002

... Complainant

Vs

1.Sivagami, Aged 66/2026,

W/o. Srinivasan

2. RajaManickam Age 76/2026 (charges abated)

S/o. Nallappan

....Accused

This case having been taken on file on 26.04.2005 and coming on for final hearing on 11.03.2026 in the presence of Learned Assistant Public Prosecutor Grade II appearing for the state and Mr. M.R.R. Sivasubramaniyan advocate for the accused persons and after hearing both side arguments and this court delivered the following;

JUDGMENT

I. The brief of prosecution case is that, the A1 accused Sivagami has joined the 10th standard in the month of May 1972, Government Girls High School, at Krishnagiri and not completed (10.11.1972). Then she got a Transfer certificate on 27.06.1973. Thereafter, she got married with one Srinivasan in the year of 1978. The said Srinivasan has worked as Watchmen in the Raja Mirasudhar Hospital in 1981 and he died while on duty. The accused had written a 10th exam and got marks in subjects Tamil 36/100, English 19/100, Maths 11/100, Science 19/100, Social Science 50/100, Total – 135/100 and failed in subjects. Then she approached the A2 accused with an intention to get a 10th mark sheet fraudulently and got marks in subjects Tamil 36/100, English 39/100, Maths

42/100, Science 35 /100, Social Science 37/100 – Total 189 /500. Then she joined fraudulently in the Raja Mirasudhar Hospital in a compassionate ground. Therefore, the accused committed an offence u/s.465, 468 471 420 r/w.34 of IPC. Hence, the inspector of police, DCB Thanjavur had laid a final report against the accused persons.

II. On appearance of the accused person before the Court copies u/s.207 Cr.P.C, of all relevant documents was furnished to them. Prima facie materials against the accused persons having been found to presume that he committed offence punishable u/s.465, 468 471 420 r/w.34 of IPC and the same was read over u/s.281 CRPC and explained to them. They were pleaded not guilty and claimed for trial.

III. The Prosecution in support of its case examined as PW1 to PW7. The Exhibits ExP1 to ExP15 marked. None property remanded on the side of prosecution. Upon closing of prosecution side evidence, the court has posted the case for questioning u/s.313(1)(b) of CRPC. The accused denied as false case. The accused persons did not adduce any witness on their side. I have heard the arguments of both the sides, perused the case record and considered the same.

IV. Analysis of Evidence:

Now, for arriving at a just decision, the evidence for both the parties is discussed as a whole. It is the cardinal principle of Criminal Law that the burden of proving the case must rest on the prosecution and let it now be seen as to how far the prosecution could discharge the burden of proving the case.

1. The LW1/PW1 – Mr. Natarajan (retired) is the Director of Tamilnadu directorate of examination and when he was working as secretary of Tamilnadu directorate of examination, Chennai, the correspondent or chief of Raja Mirasudhar Hospital has sent the 10th marksheets of said Sivagami to verify whether it was true. The said **Postal letter** was marked as **ExP1**. The said **Sivagami's marksheet as ExP2**. The **correct marks** show in the Marks sheet as **ExP3**. He said it was forgedly made. He lodged a complaint to the

superintendent of police. The **complaint** was marked as **ExpP4**. He denied all suggestions put forth by the defense side.

2. The **PW2 – Mr. Dr. Selva Raman (Professor, Medical college)**, when he was working as Dean in the Raja Mirasudhar Hospital, one Sivagami has been working as **junior Assistant** on a compassionate basis. The director of secondary school has sent her mark sheet to the Directorate of examination department on 07.12.2001 to verify its authenticity and it was returned as Forged. The **letter** relating to the above marked as **ExpP5**. Then the said Sivagami was suspended. He denied all suggestions put forth by the defense side.

3. The **PW3 –Mr. Dr. T. Subramanian (senior Civil surgeon)**, on 08.03.2002, when he was working as administrative officer, as per direction of higher officer, he examined the said Sivagami and recorded her statement and sent it to the higher officer of Raja Mirasudhar Hospital, Thanjavur. The **said statement as ExpP6**. The defense has not chosen to cross examined him. He denied all suggestions put forth by the defense side.

4. The **PW4 – Mrs. Dr. Kalaiselvi was working as a correspondent (2002-2006)** in the medical college Hospital, Thanjavur and she had also reiterated the same facts as stated by the PW1, so need not be reproduced her chief here. The said Sivagami was suspended on 08.03.2002 and dismissed on **20.03.2002. dismissal order as ExpP7 and the attested copy of dismissal order as ExpP8**. She denied all suggestions put forth by the defense side.

5. **The PW5- Mrs. Tulasi Bhai is the retired school** Principal. The investigation officer has examined her by showing that the transfer certificate was belongs to said accused Sivagami. She verified and signed on it. The Transfer certificate showing that the accused passed 9 to 10th class. The said **Transfer Certificate as ExpP9**.

6. The **PW6 -Kalidasan (retired DSP)** and he has reiterated the facts as stated in the FIR and his evidence is for depicting the stages of investigation, so

need not be repeated his chief here. He registered the complaint. The admitted portion of **confession statement of accused as ExP10, Seizure Mahazar (17.12.2002-xerox copy) as ExP11**, the seals which was recovered and remanded vide in **CP No.20/2003 in CC.No 8872 /2003, 8th City Civil Court, Chennai as ExP12 (it was marked on subjected to objection)**. He denied all suggestions put forth by the defense side.

7. The **PW7 – Mr. Dhamodharan is the investigation officer** and his evidence is for depicting the various stages in investigation which has done by him during investigation. The **FIR, Death certificate of accused A2 and the FIR registered in Otteri PS as ExP13 to ExP15**. After completing the investigation, he had laid a chargesheet against the accused u/s.465, 468, 471 and 420 r/w.34 of IPC. He denied all suggestions put forth by the defense side.

V. Discussion of Prosecution side evidence :-

8. The prosecution story is that, the A1 accused Sivagami has joined the 10th standard in the month of May 1972, Government Girls High School, at Krishnagiri and not completed (10.11.1972). Then she got a Transfer certificate on 27.06.1973. Thereafter, she got married with one Srinivasan in the year of 1978. The said Srinivasan has worked as Watchmen in the Raja Mirasudhar Hospital in 1981 and he died while on duty. The accused had written a 10th exam and got marks in subjects Tamil 36/100, English 19/100, Maths 11/100, Science 19/100, Social Science 50/100, Total – 135 /100 and failed in subjects. Then she approached the A2 accused with an intention to get a 10th mark sheet fraudulently and got marks in subjects Tamil 36/100, English 39/100, Maths 42/100, Science 35/100, Social Science 37/100 – Total 189 /500. Then she joined fraudulently in the Raja Mirasudhar Hospital in a compassionate ground. Hence, the complaint.

9. To support the prosecution, the LW1 examined as PW1 It appears in the **cross of PW1** is that, the **true copy of ExP3** has only produced and the original register has not been produced. The marks in the examination papers will be

recorded in the registers at the assessment centres. It will be recorded on the computer at the assessment centres. The relevant documents will be given to them. The said **Exp2 (10th Mark sheet of Sivagami)** not belongs to his department. He deposed that the said Exp2 has not been registered on his computer. No documents like Exp2 have been produced to the police and usually not given these types of documents to the police. There is no Emblem on the said document. “...எங்கள் அலுவலகத்தில் உள்ள மதிப்பெண்கள் அதசா1 ல் பதியப்படவில்லை என்பதால் போலியானது என்று கூறுகிறேன்...”. Exp3 Marksheet Number is NAA3435611 and in the Exp2 Marksheet Number is NAA1311345. The **true nature of marks (Exp2, P3)** should be verified with the original registers. The police have not examined their registers. After verifying with the documents only can be said that the Secondary Educational Officer whether present when the certificate was issued in March 1995. The Secretary’s sample seal and signature were under his control only.

10. It appears in **the cross of PW2** is that, his predecessor has only sent the letter to the Directorate of examination to verify the authenticity of documents which produced by the accused. He has not seen the marksheet before sent for verification.

11. The **PW3 –Mr. Dr. T. Subramanian (senior Civil surgeon)**, on 08.03.2002, when he was working as administrative officer, as per direction of higher officer, he examined the said Sivagami and recorded her statement and sent it to the higher officer of Raja Mirasudhar Hospital, Thanjavur. The **said statement as Exp6**. The defense has not chosen to cross examined him. He denied all suggestions put forth by the defense side.

12. It appears **in the cross of PW4** is that she was not stated to the police during examination that the marksheets were verified by her and not produced the said documents to the police. She (accused) was not examined by them, when she was suspended. She did not remember that she was produced the said

Mark certificate, Letter sent to Directorate of examination and to the police when she was examined.

13. It appears **in the cross of PW5** is that she did not remember that she verified the original document or not. She did not know whether the accused has been studied in her school. She denied all suggestions put forth by the defense side.

14. It appears in **the cross of PW6** is that, he did not know who put the signature in the original certificate (1995) and the officer who were worked at that time can only be known that signature. He did not know that the ExP2 document was directly given to the hospital by the accused. He did not know that the Arumugham neither be examined nor arrayed as witness in this case. On 09.01.2004, the accused A2 Raja Manickam was died. The prosecution has not produced the Seal, Sample Signature and Mahazar in this case.

15. It appears in **the cross of PW7 /IO is** that, the marked documents in this case are the documents which was produced by the CBCID PS, Chennai.

16. Thereafter, the Prosecution side evidence was closed and the matter was listed for recording the statement of accused U/s 313 CrPC wherein both the accused persons stated that they have been falsely implicated in the present case.

17. During the course of arguments, Ld. APP has argued that the prosecution witnesses have supported the prosecution case and their testimonies have remained unrebutted. It has further been argued that on combined reading of testimonies of all the prosecution witnesses, offences u/s. 465, 468 471 420 r/w.34 of IPC have been proved beyond reasonable doubt.

18. Per contra, Ld. Counsel for accused has argued that there is no legally sustainable evidence against the accused and that the accused has been falsely implicated by the police officials at the behest of complainant. Arguing further, Ld. Counsel for accused has inter-alia submitted that the story of prosecution cannot be believed as no independent public persons were associated in the

investigation or were examined during the prosecution evidence. It has also been argued that the material prosecution witnesses have admitted that at the spot of incident none were found present nor any recovery of materials were affected either from the said spot, which makes the story of prosecution unbelievable. It has also been argued that on the date of incident i.e. an occurrence was happened on 06.02.2022 and the complaint was given only on 29.02.2002 at 11.00 hrs and therefore, there was no motive on the part of accused to indulge in the alleged offence. It has also further been argued that due to lacunae and in-coherency in the story of the prosecution, accused be given benefit of doubt and are therefore, entitled to be acquitted.

VI. Let us see whether the accused has been committed the alleged offence or not?

19. In order to attract allegations of "**cheating**", following things must exist:

- (i) deception of a person;
- (ii) (A) fraudulent or dishonest inducement of that person,
 - (a) to deliver any property to any person; or,
 - (b) to consent that any person shall retain any property, (B) intentional inducing that person to do or omit to do any thing,
 - (a) which he would not do or omit if he was not so deceived, and,
 - (b) such act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property.

20. Then in order to attract **Section 420 I.P.C.**, essential ingredients are:

- (i) cheating;
- (ii) dishonest inducement to deliver property or to make or destroy any valuable security or any thing which is sealed or signed or is capable of being converted into a valuable security; and,
- (iii) mens rea of accused at the time of making inducement and which act of omission.

21. In **Mahadeo Prasad Vs. State of West Bengal, AIR 1954 SC 724** it was observed that to constitute offence of cheating, intention to deceive should be in existence at the time when inducement was offered.

22. In **Jaswantrai Manilal Akhaney Vs. State of Bombay, AIR 1956 SC 575**, Court said that a guilty intention is an essential ingredient of the offence of cheating. For the offence of cheating, "mens rea" on the part of that person, must be established.

23. In **G.V. Rao Vs. L.H.V. Prasad and others, 2000(3) SCC 693**, Court said that Section 415 has two parts. While in the first part, the person must "**dishonestly**" or "**fraudulently**" induce the complainant to deliver any property and in the second part the person should intentionally induce the complainant to do or omit to do a thing. In other words, in the first part, inducement must be dishonest or fraudulent while in the second part, inducement should be intentional.

24. In **Hridaya Ranjan Prasad Verma and others Vs. State of Bihar and another, 2000(4) SCC 168** Court said that in the definition of 'cheating', there are set forth two separate classes of acts which the person deceived may be induced to do. In the first place he may be induced fraudulently or dishonestly to deliver any property to any person. The second class of acts set forth in the section is the doing or omitting to do anything which the person deceived would not do or omit to do if he were not so deceived. In the first class of cases, inducing must be fraudulent or dishonest. In the second class of acts, the inducing must be intentional but not fraudulent or dishonest. It was pointed out that there is a fine distinction between mere breach of contract and the offence of cheating. It depends upon the intention of accused at the time to inducement which may be judged by his subsequent conduct but for this subsequent conduct is not the sole test. Mere breach of contract cannot give rise to criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of the transaction, that is the time when the offence is said to

have been committed. Therefore, it is the intention which is the gist of the offence. In order to hold a person guilty of cheating it would be obligatory to show that he had fraudulent or dishonest intention at the time of making the promise. Mere failure to keep up promise subsequently such a culpable intention right at the beginning, i.e, when he made the promise cannot be presumed.

25. The provisions under **Sections 465, 468, and 471 of IPC** deals with forgery, forgery for cheating, and using forged documents as genuine, respectively. Section 465 defines punishment for forgery (up to 2 years), while 468 increases this for cheating purposes (up to 7 years), and 471 penalizes using such documents. **Section 465 - Punishment for Forgery:** Whoever commits forgery is punished with imprisonment up to two years, fine, or both. **Section 468 - Forgery for Purpose of Cheating:** Whoever commits forgery intending that the document/electronic record forged shall be used for cheating, is punished with imprisonment up to seven years and a fine. This is a cognizable, non-bailable offense triable by a Magistrate. **Section 471 - Using as Genuine a Forged Document:** Whoever fraudulently or dishonestly uses as genuine any document which they know/have reason to believe is forged, is punished in the same manner as if they had forged it.

26. The **allegations are that** the A2 had prepared a false Mark sheet or certificate of Sivagami (A1). Making of a false document has been defined under Section 464 of IPC. One of the ingredients of making of false document is that the same must have been created with an intention of causing it to be believed that such document or part of document, electronic record was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed. Therefore, making a false marksheet or certificate with an intention to cheat the Raja Mirasudhar Hospital Management in order to get the job on a compassionate basis and that it was made by the accused A1

with the help of A2 accused, would certainly amount to making of false document which is punishable under Section 465 of IPC and when the said document is used as a genuine forged document, then such act would be punishable under Section 471 of IPC. The allegations are that the **A2 Raja Manickam** had prepared a false Mark statement or Certificate of Sivagami(A1). Making of a false document has been defined under Section 464 of IPC. One of the ingredients of making of false document is that the same must have been created with an intention of causing it to be believed that such document or part of document, electronic record was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed. Therefore, act of accused would certainly amount to making of false document which is punishable under Section 465 of IPC and when the said document is used as a genuine forged document, then such act would be punishable under Section 471 of IPC.

27. Now with regard to the offence of forgery, the essential requirement is making of false documents. In the case of **Mohammed Ibrahim v. State of Bihar (2009)**, the Hon'ble court clarified that executing a sale deed for property one does not own does **not** automatically constitute forgery. **Forgery** (Section 465) requires making a "**false document**" as defined in Section 464 (e.g., **impersonation or unauthorized alteration**). It established that if a person signs a document in their own name, even if the contents are false, it is not "forgery" unless they pretend to be someone else or act without authority.

28. In the case of **Sheila Sebastian v. R. Jawaharaj (2018)**, the Hon'ble Supreme Court held that a person cannot be convicted of forgery under Section 465 or 468 if they are not the "**maker**" of the forged document. It strictly defined that the prosecution must prove the accused actually created the false document to sustain forgery charges.

29. **In this regard**, 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 bonafidely 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.

30. When a document is made by a person claiming a true one which is her, she is not claiming that she is someone else nor she is authorised by someone else. Therefore, making of such document as defined under section 464 of the Code, If what is making is not a false document, there is no forgery. If there is no forgery, then neither section 467 nor section 471 of the Code are attracted. when a person has executed a sale deed by impersonating the owner or falsely claiming to be authorised or empowered by the owner, to execute the deed on owners behalf, then it can be said that there is a making of false document. But when the document itself executed by the person claiming to be owner of the property, execution of such documents do not fall within the definition of execution of false document as defined under section 464 IPC. Considering the above judgment and that the entire charge relate to the title to the property, the defacto complaint claiming title on the basis of the documents, such an act would not constitute any offence. Even when the materials collected by the prosecution is taken as a proof, the same would not constitute any of the

aforesaid offences. In such view of the matter, continuing of prosecution is a futile exercise and is nothing but an abuse of process of law. Following the above case laws, the Exhibits at **ExP2, ExP3** were in respect of marksheet in the name of **Sivagami (A1)**. The person making such document wanted another person or authority to believe that the person making such document has proved it to show that he is the same person. For the purpose of scrutiny of documents at **ExP1 to ExP15**, if Section 463 and 464 of IPC is perused, it is clear that the same is duly proved by the prosecution on the A2 accused Raja Manickam and the same was not attracted against the accused A1 accused Sivagami.

31. It is apposite to note that to attract offence of Section 468 IPC, the prosecution must establish that the accused made a false document within the meaning of Section 464 IPC, with intent to cheat. Likewise, Section 471 IPC requires proof that the accused used a forged document as genuine, knowing or having reason to believe it to be forged at the time of its use. The Provision under Section 471 of IPC, the prosecution must establish beyond reasonable doubt that the accused not only used a forged marksheet as genuine but also possessed direct knowledge or reasonable belief that it was forged at the time of submission. **Mens rea** (guilty knowledge) is essential. In this instant case, the accused to secure her job, she had approached the A2 accused Raja Manickam to make the false or forged Mark- sheet. It is observed that the document submitted is legally defined as a forgery. The accused knowingly submitted the document to gain a benefit. The accused Sivagami knew or had strong reason to believe the document was fake, rather than being unaware of its fraudulent nature. The document was used with a dishonest or fraudulent intention, such as gaining admission or employment.

32. The Court then turned to Sections 465, 468, and 471 IPC, which deal with making and using false documents. Forgery requires evidence that the accused either created the false document or used it with dishonest intent to cause wrongful loss or gain. In this case, there was no evidence connecting the

accused to the creation of the alleged forged Marksheet. The original document was never recovered, true copy only produced. The **PW2** also admitted it was in the hands of Educational department. The prosecution has not taken any steps to produce the Sample, sample signature to FSL to prove that the signature, seal in the 10th marksheet is forged one. The Court held that without proof of the accused's role in making the document, the charge of forgery cannot be sustained. The accused contended that she was passed in the examination of 10th class. Her husband was working in the RMH Hospital in the year of 1981. He was died on 1994 during work. She was selected for compassionate appointment in the post of clerk and qualification is 10th pass. Then she decided to join a Tuition centre at Krishnagiri and owner name is Savithiri. Then, she wrote an exam in the March 1995 and she thought that she had passed all subjects. However, she has failed in English, Maths and Science. It was stated that the accused has not contacted the A2 Raja Manickam before the occurrence. She has no direct contact with the accused A2. But it seems that the accused has colluded with the Savithiri and approached the A2 accused to make a forged document of her 10th Marksheet to join as a clerk in the RMH Hospital. The alleged facts were proved by the prosecution witnesses PW1 Natarajan (Secretary of Tamilnadu Directorate of examination centre), PW2 Selvaraman (Dean of RMH Hospital), PW3 Subramanian – Administrative officer of RMH Hospital, PW4 – Kalaiselvi – Principal of RMH hospital, PW5 Tulasibhai – Government school head master., PW6 – Kalidasan (DSP), PW7 – IO Dhamodharan and Exhibits Exp1 to Exp15.

33. When aforesaid fact considered with the statement of Natarajan (PW1) who specifically stated that the accused called her for the purpose getting job as clerk in the place of her deceased husband (compassionate appointment). It reveals from the facts that the accused A1 Sivagami had approached one Tuition centre at Krishnagiri and went to Savithiri's Tuition Centre and she guided her to get forged 10th Marksheet. The accused admitted in her statement that she

and one Savithiri went to the examination centre for seeing the Hall. So, she had a good relationship with one Savithiri and obtained a certificate knowingly it was a forged one. Thereafter, when inquiry was started against accused in the RMH hospital, for escaping from the liability, she deposed that she has no direct contact with the accused A2. The Police also failed to bring the Savithiri either as witness nor arrayed as accused in this case. She has a big team working behind the screen to make a forged seal, signature, documents for the purpose of getting job. Involvement of Savithiri for making the forged document is wider in this case. Why the police not examined her or arrested her, not clarified.

34. It is observed that the letter, report to police (Ex.P1 to P15) against the accused. **Considering the aforesaid explanation the fact of belated FIR is very well explained on record.** Further, the PW2, PW5 deposed that when came to the knowledge of the forgery the accused was terminated from her job without issuing notice. After considering the averment of Ex.P10 to P15, the Court came to the conclusion that explanation of the accused is not truthful because accused was the only person who filed the marksheet at the time of joining the service therefore, his explanation was not liable to be accepted.

35. Further, on careful scrutiny of Subramanian (PW-3), Administrative officer of RMH Hospital and Selvaraman (PW-2) Dean of RMH Hospital, PW1 Natarajan, the employee of Directorate of Government Examination Chennai on 07.12.2001 and it reveals that the certified copy of Original marksheet (Ex.P3) and Exp2 is a forged and fabricated 10th Mark sheet. Considering the statements of aforesaid witnesses it is established on record that accused never passed in the Subjects of Science, English, Maths in the examination, conducted in March 1995. which shows that Forged marksheet (Ex.P2) which is attached in the service record of accused is a forged document. Further accused tried to show that she had passed the 10th class examination, March 1995. But this fact is also not true and same was found false after considering the occurrence took place in the Office of RMH Hospital. I have

perused the statements of Natarajan Secretary of Directorate of Government Examination Chennai (PW-1) along with Dhamodharan Investigation Officer (PW-7), the PW3, PW2 are the Administrative officer and Dean of RMH Hospital and they have no enmity with the accused therefore, the Court having no illegality in believing the aforesaid witness. Moreover, there is no necessity for the Tuition centre to produce the pass Marksheet instead of failed Marksheet of accused Sivagami and what benefit he gained for that. So, there is a nexus between the accused and the forged mark sheet. She knowingly forged document (Marksheet) and submit it as pretending it to be an original Pass marksheet in order to get a job. The accused admitted the relationship the Tuition Centre. It is revealed from the evidence that the accused having a intention of cheating from the beginning of transaction.

36. During the course of argument it was highlighted by defence counsel that witness Dhamodharan/IO/(PW-7) has admitted in his cross examination that a major contradiction has been brought on record from his statement (Ex.P1 to P4) recorded u/s 161 of Cr.P.C therefore, prosecution has proved his case for cheating to the medical department by filing the forged document (marksheet).

37. Since sole case is rest on documentary evidence wherein it is proved on record that marksheet (Ex.P-2) filed by accused at the time of entering into the service is a forged document because accused never passed his 10th class examination from Pre Middle School, Krishnagiri. Further the second copy of marksheet is also found forged Eventhough she had appeared in the examination, she had failed in those (English, Maths, Science) subjects and make a forgery one as passed in those subjects, and this fact finds support from correspondence A2 Death Certificate and Ottery PS FIR (Ex.P14, P-15). Exp2/Sivagami forgery 10th Mark sheet, Exp3/Sivagami Original 10th Mark sheet true copy also appears to be a true one and the court cannot also be disbelieved the aforesaid documents and the evidence of PW1-Natarajan/Educational Department, PW2-Selvaraman/RMH Dean, PW3-

Subramaniyan/RMH Administrative Officer and PW4-Kalaiselvi/RMH Principal. There are 4 persons appointed along with this accused in the RMH Hospital and she is only the committed a forgery /cheating the Hospital by producing the forged Marksheet.

38. In these circumstances, it is amply proved on record that at the time of joining the service of Junior Assistant on the 07.11.2001 accused fraudulently induces authority of the RMH Hospital to issue appointment order on the basis of forged document (marksheet) Ex.P-2 and thereby appointing authority has been deceived to do the aforesaid act of appointment which he would not do if he was not so deceived by the accused by filing the forged document. Under such circumstances, offence u/s 420 is proved on record. It is also on record that accused A2 made alteration in the Ex.P-2/marksheet and make a forged seal, signature in the marksheet of other person thereby, he made a false document and committed forgery. It is further proved on record that he committed the aforesaid forgery for cheating the authority of RMH hospital to issue the appointment order for the post of Junior Assistant in her favour. Further, it was very well in the knowledge of accused and she has reason to believe that document (Ex.P3 – Original Marksheet) is a forged document, she fraudulently used the aforesaid document (Exp2) as genuine therefore, offence u/s 471 of IPC is also proved on record.

39. The prosecution has filed a true copy of confession statement of accused, Seizure Mahazar (T/C), Form-91 (T/C) and marked as Exp10 to Exp13. Predecessor of this court, after examining all witnesses and heard arguments posted the case for Judgment on 22.01.2025. Then, the predecessor of this court feels that, since the above documents are necessary for the case to decide the dispute, hence re-opened the judgment and posted the case under the caption of producing or substitution of above documents. The case pending from 22.01.2025 for the same. It was represented by the prosecution that the alleged original documents stuck up with the City Civil Court, Chennai. The court has

also given sufficient opportunity to produce the document. The prosecution failed to produce the same. The court has also waited for one year. **Since the case is pending for more than 20 years (2002)**, hence the court has closed the stage and the posted the case for judgment.

40. The offence under section 420 of IPC, the guilty intention and knowledge of the accused to cause wrongful loss to the person cheated and whose interest he was bound to protect, are essential ingredients.

41. In the instant case, the mark-sheet went through a chain of custody. Firstly, from accused to the place where she employed and after that she had verified and received the alleged documents then the custody was routed to the Educational department upon suspicion. The prosecution proved by reliable evidence of PW1/Natarajan, Educational Department that the alleged tampering was effected by accused herself or while the documents were in the exclusive custody and control of the accused this tampering had occurred. On the contrary, the material evidence would disclose that the documents passed through institutional hands for scrutiny, endorsement and forwarding and at certain points of time it was in the custody of accused at all. In such circumstances, the passing of the alleged document through the hands of concerned person before it was detected as forged and to arrive at a conclusion that accused had authored the tampering or possessed the contemporaneous knowledge of such tampering. It is apt to mention that it is well-established principle of law that suspicion, howsoever grave, cannot replace the standard of legal proof.

42. Secondly, the court has rested essentially on visual inference of seal and signature of that sanctioned person to hold tampering stood established. No handwriting or forensic expert opinion was necessary in this case.

43. Now, from the discussion made already, that it becomes clear that the PWs PW1 to PW7, ExP1 to ExP15 adduced in their evidence that there is a fraudulent intention on the part of the accused person in the beginning of the

transaction. That there is a dishonest intention present at the time of transaction on the accused person has been clearly stated by PW's. Hence proved by fraudulent intention on the part of accused is the prosecution.

44. In the light of aforesaid discussions coupled with my reasons, this court held that prosecution has successfully proved the case with cogent and convincing evidence on record to bring home the guilty **u/s. 468, 471 and 420 of IPC** against **accused person Sivagami w/o. Srinivasan** beyond all reasonable doubts. The prosecution has failed to prove the alleged offence u/s. 465 IPC r/w. 34 IPC. The A2 accused Raja Manickam died Death certificate produced. Hence charges abated as against the accused person A2.

45. I have heard the accused is on the question of sentence to be passed against her. The accused has pleaded leniency when asking question of sentence. She stated she is the only bread winner of her family and prays the court to show some leniency on her and instead of convicting her.

46. I have considered the applicability of Probation of Offenders Act to the convicted person. It appears that the accused person committed an offence of forgery, forgery for cheating, and using forged documents as genuine. The consequences which the informant/victim would have suffered had been more grievous. If the accused is released on probation, it might have a bad impact in the society. Hence, I am not inclined to extend the benefit of probation of offenders act to the convict.

V. In the result:-

47. It is held that the prosecution has proved the guilt of the accused **person namely Sivagami W/o. Srinivasan** beyond all reasonable doubts and therefore they are found guilty of the offence under Section 468, 471 and 420 of IPC beyond all reasonable doubts. Hence, She is convicted and she is sentenced for **one year (each) simple imprisonment** and on considering the antecedents of the accused no fine is imposed. Therefore, she is convicted for the alleged charges u/s. 248(ii) of CrPc. The accused **A2 Raja Manickam died.**

Charges abated as against the accused. The period of sentence shall be set-off against the accused person. The sentence of imprisonment shall run concurrently. The prosecution has failed to prove the alleged offence u/s.465 IPC r/w. 34 IPC against the accused person A1 Sivagami W/o. Srinivasan.

48. The bail bonds executed by the accused person is extended for next six months as per the Provisions of section 437A Cr.P.C. as amended up to date. Surety is discharged. None property remanded on the prosecution side.

The judgment is dictated to the steno typist and directly typed in the computer and taken print out and I made necessary corrections and pronounced by me in the Open Court on this is the 16th day of March 2026.

Judicial Magistrate No I
Thanjavur.

Annexure:-

Prosecution side witnesses:-

1. PW1: - Mr. Natarajan (Defacto complainant)
2. PW2: - Mr. Selvaraman
3. PW3: - Mr. Subramanian
4. PW4: - Mrs. Kalaiselvi
5. PW5: - Mrs. Thulasibhai
6. PW6: - Mr. Kalidasana (DSP)
7. PW7: - Mr. Dhamodharan (Investigation officer)

Prosecution side documents:-

1. Ex.P1:- 11.03.2002 - RMH Principal Letter to Directorate of Government Examinations, Chennai
2. Ex.P2: - 17.06.1995 - Sivagami 10th Mark Sheet
3. Ex.P3: - 18.06.2002 - Sivagami 10th Mark Sheet True Copy
4. Ex.P4: - 26.04.2002 - Complaint

5. Ex.P5: - 07.12.2001 - RMH Principal Letter to Directorate of Government Examinations, Chennai
6. Ex.P6: - 08.03.2002 - Question and Answer Statement of Sivagami
7. Ex.P7: - 08.03.2002 - Sivagami Suspension Order
8. Ex.P8: - 08.03.2002 - Sivagami Suspension Order attested copy
9. Ex.P9: - 27.06.1973 - Sivagami Transfer Certificate
10. Ex.P10: - 17.12.2002 - The Admissible Portion of the Confession Statement (True Copy) of the 2nd Accused
11. Ex.P11: - 17.12.2002 - Seizure Mahazar (True Copy)
12. Ex.P12: - 17.12.2002 - Seal Document (True Copy)
13. Ex.P13: - 29.05.2002 - Thanjavur DCB FIR, Cr No.14/2002
14. Ex.P14: - 09.01.2004 - A2 RajaManickam Deat Certificate (True Copy)
15. Ex.P15: - 09.01.2004 - Ottery PS FIR, Cr No.07/2004

Material Objects:- Nil

Defence Side witnesses:- Nil

Defence Side Documents:- 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. I
Thanjavur.