

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1618 OF 2013
(arising out of S.L.P.(Crl.) No. 1822 of 2011)

STATE OF KARNATAKA ... APPELLANT(S)

VERSUS

M.M. SURANAGI ... RESPONDENT(S)

WITH

Criminal Appeal No. 1619 of 2013
(arising out of S.L.P.(Crl.) No. 1839 of 2011)
Criminal Appeal No. 1620 of 2013
(arising out of S.L.P.(Crl.) No. 1840 of 2011)
Criminal Appeal No. 1621 of 2013
(arising out of S.L.P.(Crl.) No. 1841 of 2011)
Criminal Appeal No. 1622 of 2013
(arising out of S.L.P.(Crl.) No. 1842 of 2011)

O R D E R

Delay condoned.

Leave granted.

On the basis of a report alleging that certain persons, particularly Advocates, Doctors, Police Officers and vehicle owners have joined together and creating forged documents for raising false claims for compensation before the Motor Accidents Claims Tribunal, a case under Section 417, 420, 465, 468, 471 and 120-B read with Section 34 of the Indian Penal Code ("IPC" for short) was registered. After the investigation, a chargesheet was submitted under Section 417, 465, 468, 471 and 120-B read with Section 34 and 511 of the IPC.

The respondent, who happens to be a doctor and given injury certificate challenged the submission of the chargesheet in a petition under Section 482 of the Code of Criminal Procedure. The High Court considered the certificate granted by him and the certificate issued by the Victoria Hospital and came to the conclusion that the respondent had not issued a fake or false certificate and, accordingly, quashed the chargesheet.

Ms. Anitha Shenoy appearing on behalf of the appellant-State submits that the High Court ought not to have appraised the evidence to come to the conclusion that the certificate given by the respondent is not fake or false. She submits that it is a matter of trial, which the trial court was expected to decide after giving opportunity to the prosecution to lead evidence.

Mr. Basava Prabhu S. Patil, learned Senior Counsel appearing on behalf of the respondent, however, submits that nothing prevented the High Court to examine the facts of the case and come to the conclusion that the certificate given by the respondent was not fake or false.

We have considered the rival submissions and we find

(With office report)

Date: 01/10/2013 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Ms. Anitha Shenoy,Adv.

For Respondent(s) Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. Shankar Divate,Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeals are allowed in terms of the signed order.

| (S.K. Rakheja)
| Court Master

| | (Indu Satija)
| | Court Master

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(Signed order is placed on the file)