

In Re: V. Rangaswami Chetty

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SooperKanoon Citation : sooperkanoon.com/812890

Court : Chennai

Decided On : Oct-30-1961

Reported in : (1962)2MLJ102

Appellant : In Re: V. Rangaswami Chetty

Judgement :

ORDER

Sadasivam, J.

1. This Revision Case is against the order of the Additional Sessions Judge, Coimbatore, setting aside the order of discharge of the petitioner and directing the Sub-Magistrate III, Coimbatore, to commit the petitioner for offence-under Sections 120-B and 471, Indian Penal Code.

2. The charge against the petitioner is that he conspired with one Arogiaswami, an Upper Division Clerk in Revenue Divisional Officer's Office, Coimbatore, and obtained a forged permit, Exhibit P-6 for the purchase of sugar and used it and obtained sugar with knowledge that it was a forged document. The Police filed a charge-sheet in this case on the complaint by the Revenue Divisional Officer. The Sub-Magistrate III, Coimbatore Town, examined eight witnesses cited in the charge-sheet and committed Arogiaswami to the Sessions Court to take his trial under Section 467, Indian Penal Code, and discharged the petitioner. But on appeal the learned Additional Sessions Judge of Coimbatore set aside the order of

discharge passed by the learned Sub-Magistrate III, Coimbatore, and directed the petitioner also to be committed as aforesaid. The learned advocate for the petitioner argued before me that there was no sufficient evidence to commit the petitioner to the Court of Session. In passing an order under Section 207-A, Clause (6) or (7) it is not the province of the Committing Magistrate to disbelieve or reject the evidence of witnesses examined by the police during the investigation. The statement of witnesses recorded under Section 162, Criminal Procedure Code, should be considered along with the other circumstances and a finding should be arrived at whether there are sufficient grounds to commit the accused. The learned Sessions' Judge has rightly pointed out that learned Sub-Magistrate has erred in rejecting the evidence of P.W. 8. It is not disputed that the permit, Exhibit P-8 is a forged permit, and, ample evidence has been adduced with regard to the same. Admittedly the petitioner used the permit by producing it before wholesale dealers in sugar.

3. In the face of the evidence of P.W. 8 and the intrinsic evidence afforded by the permit I am unable to say at this stage that there is no evidence for the committal of the petitioner to the Sessions. I therefore see no sufficient ground to interfere with the order of the Additional Sessions Judge.

4. The petition is therefore dismissed.