

In Re: Sadagopan

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Court : Chennai

Decided On : Jan-25-1972

Reported in : 1973CriLJ113

Judge : K.N. Mudaliyar, J.

Appellant : In Re: Sadagopan

Judgement :

K.N. Mudaliyar, J.

1. This is an appeal against the judgment of the III Presidency Magistrate, convicting the accused for an offence under Section 420, I.P.C.

The gravamen of the charge against the accused is that on the 18th day of June, 1968, he cheated the Special District Educational Officer, Chingleput, (P. W. 2), by dishonestly inducing him to select the accused for the post of drawing Master, by falsely representing that the accused had the minimum general qualification. The prosecution sought to prove the offence against the accused by the testimony of P. W. 2 who deposed in his evidence that the candidates should have passed the Higher Grade Drawing. He added that they should have passed III Form also. Then he referred to Ex. R. 4 the report from Headmaster of the High School, Heyyadupakkam. He also stated that the the accused gave a bogus certificate to (the effect that he had passed III Form. But. in cross-examination. P. W. 2. admitted that the accused produced the technical certificate in drawing at the time

of the selection and on the basis of that certificate, P. W. 2 selected him. He also stated that the accused did not produce any other certificate. He confessed that he had no personal knowledge about the bogus certificate.

3. On this evidence, it is clearly brought out that there was no false representation made to the witness. P. W. 2, in regard to the selection of the accused. At any rate, there is no proof of any false representation made by the accused that he had the minimum general qualification before he was selected and appointed by P. W. 2. On this ground of want of proof of false representation made by the accused about his minimum general qualification, the accused is entitled to an acquittal.

4. I acquit him of the offence under Section 420, I.P.C. The Criminal Appeal is allowed.

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