

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 29.04.2015

CRA No.1041-DB of 2010

Rajinder ...Appellant

Versus

State of Haryana ...Respondent

Present: Mr. J.S.Lalli, Advocate, for the appellant.

Mr. Vivek Saini, AAG, Haryana, for the respondent-State.

CRA No.2444-SB of 2009

Sarvar & another ...Appellants

Versus

State of Haryana ...Respondent

Present: Mr. P.K.S.Phoolka, Advocate, for appellant No.1.

Mr. Devender Kumar, Advocate, for appellant No.2.

Mr. Vivek Saini, AAG, Haryana, for the respondent-State.

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE LISA GILL**

HEMANT GUPTA, J.

This order shall dispose of afore-mentioned two appeals i.e.
CRA No.1041-DB of 2010 filed by Rajinder son of Akhtiar Singh and CRA
No.2444-SB of 2009 filed by Sarvar son of Mohd. Anwar and Intzar son of
Mohd. Hashim, against the judgment of conviction dated 02.09.2009 and
order of sentence dated 03.09.2009 passed by the learned Additional

Sessions Judge, Karnal, vide which accused Rajinder was convicted for the offences punishable under Section 489-C & 489-D IPC, whereas accused Sarvar and Intzar were convicted for the offence punishable under Section 489-C IPC and sentenced to undergo imprisonment as mentioned in the order of sentence.

The brief facts leading to the present appeals are that on 15.05.2007, when SI Hargian Singh alongwith other police officials was present at G.T. Meerut Road, Karnal in connection with patrolling and crime checking duty, he received a secret information that Sarvar son of Anvar deals in counterfeit currency notes and that he would come to Karnal in a Maruti Car bearing registration No.DL-4C-J-1349 and that Intzar is his companion and if nakabandi is held then counterfeit currency notes in heavy quantity could be recovered from them. On receipt of such information, SI Hargian Singh sent ruqa to the Police Station City, Karnal through C. Sat Pal Singh on the basis of which formal FIR was recorded.

Thereafter, SI Hargian Singh alongwith other police officials held a picket at Meerut Road, Karnal. In the meantime, Martui car No.DL-4CJ-1349 came from the side of Sugar Mill, Karnal, which was signaled to stop. The car was stopped and in the said car two persons were sitting. On enquiry, the driver of the car disclosed his name as Sarvar, whereas the second occupant disclosed his name as Intzar. During personal search, 50 counterfeit currency notes of the denomination of Rs.500/- each i.e. Rs.25,000/- were recovered from the back pocket of the pant of Sarvar, whereas 10 counterfeit currency notes of the denomination of Rs.500/- each i.e. Rs.5000/- were recovered from the pocket of the shirt of Intzar. All the counterfeit currency notes after converting into separate parcels were taken

into possession vide recovery memo Exs.PE and PF. From the search of the car, 30 counterfeit currency notes of the denomination of Rs.500/- each i.e. Rs.15,000/- wrapped in a polythene were also recovered. The counterfeit currency notes recovered from the car as well as Maruti car No.DL-4CJ-1349 alongwith its R.C. were taken into possession vide recovery memo Ex.PG. Thereafter, after preparing site plan of the place of recovery and after recording the statements of the witnesses, both the accused i.e. Sarvar and Intzar were arrested.

On 16.05.2007, both the accused were produced before the Illaqa Magistrate. Accused Intzar was remanded to judicial custody, whereas accused Sarvar was remanded to Police custody.

It was during interrogation on 21.05.2007, accused Sarvar made a disclosure statement (Ex.PK) to the effect that he had brought the counterfeit currency notes of Rs.47,000/- from Rajinder Singh resident of Kutana (UP) and that he has kept concealed four counterfeit currency notes of the denomination of Rs.500/- each wrapped in a polythene in an abounded kotha in the area of Village Manglora, Meerut Road, Karnal. Pursuant to such disclosure statement, accused Sarvar got recovered four counterfeit currency notes of denomination of Rs.500/- from the concealed place after pointing out the same. All the counterfeit currency notes after converting into a sealed parcel were taken into possession vide recovery memo Ex.PL.

Thereafter, on 22.05.2007, SI Hargian Singh alongwith HC Surinder Singh; HC Krishan Pal; HC Ram Narayan, C. Satpal Singh in a government vehicle driven by C. Jasbir Singh reached Subhash Nagar, Dehradun, where the accused Rajinder was apprehended on the pointing of informer. During interrogation, Rajinder made a disclosure statement Ex.PN

regarding concealment of counterfeit currency notes of Rs.2,50,000/- and computer set with which they prepared counterfeit currency notes in his house. On the basis of such disclosure statement, accused Rajinder got recovered one computer set including other accessories as well as five bundles of fake currency notes each containing 100 counterfeit currency notes of the denomination of Rs.500/- from his house. All the articles and fake currency notes were taken into possession vide recovery memo Ex.PO.

During police custody on 25.05.2007, accused Rajinder made another disclosure statement Ex.PR regarding concealment of fake currency notes of Rs.1 lac and other material, which was used in preparing the fake currency notes, in his almirah at his house situated at Kudana. Pursuant to such disclosure statement, Rajinder got recovered two bundles containing 200 fake currency notes of the denomination of Rs.500/- each as well as 530 papers bearing portrait of Mahatma Gandhi in water mark, one hard disk, 12 floppies, 15 CDs of different marks and one roller bearing green patti (tape). After converting into parcels, all the articles were taken into possession vide recovery memo Ex.PS. On completion of necessary formalities, all the three accused were made to stand trial.

To prove its case, apart from examining PW-4 SI Hargian Singh – the Investigating Officer, who deposed with regard to the investigations carried out by him, the prosecution examined PW-1 ASI Sukhbir Singh; PW-2 Gulshan Rai, Deputy Director, FSL, Haryana, Madhuban; PW-3 ASI Ram Kumar; PW-5 HC Surinder Kumar and PW-6 EHC Ashok Kumar.

The incriminating circumstances appearing against the accused in the prosecution evidence were put to them while recording their statements under Section 313 Cr.P.C. The stand of the accused was that

nothing was recovered from their possession and that they have been falsely implicated. However, accused Rajinder took a plea that he was arrested from his house in Village Kudana on 20.05.2007 at about 4.30 AM.

After going through the evidence on record, the learned trial Court found that it stands proved on record that the counterfeit currency notes were recovered from the possession of all the accused and that the recovered equipments were used for the purpose of preparing the counterfeit currency notes. Consequently, the learned trial Court convicted and sentenced the appellants, as mentioned above.

Before this Court, learned counsel for the appellants have vehemently argued that the prosecution has miserably failed to prove the charges against the appellants, as no independent witness of recovery has been examined. Therefore, on the basis of testimonies of the police officials alone, conviction of the appellants cannot stand. Mr. Lalli, learned counsel representing appellant – Rajinder has additionally argued that the appellant is above 80 years of age and that there is no sufficient circumstance to convict him for an offence punishable under Section 489-D IPC.

On the other hand, Mr. Saini, AAG, Haryana argued that there is no allegation regarding lack of bona-fides on the part of the police officials, when they apprehended accused Sarvar and Intzar on 15.05.2007. The police officials were performing their duties and, therefore, their testimonies cannot be rejected only for the reason that the process of recovery is witnessed by the police officials alone. He further argued that Rajinder is the main kingpin, as the computer, printer and other material for preparation of counterfeit currency was recovered from his residence in pursuance of his own disclosure statements. Therefore, he has been rightly convicted for an offence punishable under Section 489-D IPC.

Having heard learned counsel for the parties at length, we do not find any merit in both the appeals. PW-4 SI Hargian Singh – the Investigating Officer received a secret information to the effect that the appellants Sarvar and Intzar will be travelling with counterfeit currency. Both of them were actually apprehended with counterfeit currency. Mere fact that the prosecution has relied upon the evidence of the police officials alone is not a ground to discard their testimonies. The police officials were discharging their official duties. There is no allegation of any motive to falsely implicate both the appellants. Even if, we carefully examine their testimonies, we find that the testimonies have not been shattered in any manner in the cross examination. Therefore, recovery of counterfeit currency notes from the person of Sarvar and Intzar stands proved. Their conviction for an offence punishable under Section 489-C IPC cannot be faulted in any manner.

On the other hand, the role of appellant Rajinder was disclosed by appellant Sarvar during police custody on 21.05.2007. It was, thereafter, appellant Rajinder was arrested and in pursuance of his disclosure statements Exs.PN and PR, huge quantity of counterfeit currency notes as well as computer, printer and other accessories used for preparing counterfeit currency notes were recovered. Therefore, Rajinder is a person, who is engaged in manufacturing and sale of counterfeit currency notes. He has been rightly convicted for the offences punishable under Sections 489-C and 489-D IPC.

Though it is argued that appellant Rajinder is above 80 years of age, but the fact remains that he was convicted earlier for possessing counterfeit currency in case FIR No.45 of 2002 registered under Section 489-C IPC, P.S. Hari Nagar, Delhi on 09.06.2008. He was also involved in

another FIR No.64 of 2004 registered for the offences under Sections 489-A/489-B/489-C, 128-B/34 IPC though he stands acquitted on 30.07.2008. It, thus, appears that present is not a solitary case against the appellant Rajinder. Therefore, he is not entitled to any concession in the matter of sentence as well.

In view of the above discussion, we find that the judgment of conviction and order of sentence rendered by the Additional Sessions Judge, Karnal are based on the correct appreciation of evidence, as the prosecution has completed the chain of events, which point out to the guilt of the accused. Therefore, the appellants have been rightly convicted and sentenced by the learned trial Court.

Consequently, both the appeals are dismissed.

(HEMANT GUPTA)
JUDGE

29.04.2015
Vimal

(LISA GILL)
JUDGE