

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Crl. Appeal S-1464-SB of 2014

Date of Decision: September 23, 2015

Sukhjit Singh

.....Appellant

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. Chetan Bansal, Advocate for
Mr. Rahul Bhargava, Advocate
for the appellant.

Mr. Vikram Bishnoi, Asstt. A.G., Punjab.

T.P.S.MANN, J. (Oral)

The appellant alongwith Sukhchain Singh @ Channa was tried for committing offences punishable under Sections 489-B/489-C/472/120-B IPC on the allegations that on 14.1.2011, he was found in possession of counterfeit currency notes worth Rs.8.00 lacs and had also made a counterfeit number plate bearing No.PB-02BH-7689 in place of number plate bearing No.PB-02BC-7209 of stolen motor cycle make Bajaj Platina belonging to Mangal Singh.

Vide judgment and order dated 1.3.2014, learned Additional Sessions Judge, Amritsar, acquitted accused-Sukhchain Singh @ Channa of the charges against him.

The appellant was convicted for the offence under Section 489-C IPC and sentenced to undergo rigorous imprisonment for four years and to pay a fine of Rs.5,000/- and in default of payment of fine, to further undergo rigorous imprisonment for six months. He was also convicted under Section 472 IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/- and in default of payment of fine, to further undergo rigorous imprisonment for six months. Both the sentences were ordered to be run concurrently. The period already undergone by the appellant during the investigation/trial was ordered to be set off against the substantive sentence of imprisonment imposed upon him.

The case of the prosecution, in nutshell, is that on 14.1.2011, SI Nirmal Singh, who was present in the Office of State Special Operation Cell, Amritsar, received a secret information that accused-Sukhchain Singh @ Channa, who was confined in Central Jail, Amritsar, in a case involving counterfeit currency notes was maintaining relations with smugglers of Pakistan, and had been running the business with the help of his associates by obtaining the said notes from across the border and supplying the same to innocent persons. The appellant, who was one of his close associates was on that day present near bridge of canal minor on his motor cycle bearing registration

No.PB-02BH-7689 make Bajaj Platina for striking deal involving counterfeit currency notes and in case a raid was conducted, he could be apprehended alongwith counterfeit currency. As the information received was found to be reliable, SI Nirmal Singh, informed Sh. Manminder Singh, PPS, SP, CID, Amritsar, about the same and under his instructions conducted a raid at the place disclosed by the secret informer. Before that, he sent a ruqa through Constable-Sukhwinder Singh to the State Special Operation Cell, Amritsar, on the basis of which, FIR No.3 dated 14.1.2011 was registered under Sections 489-A/489-B/489-C/420/120-B/411/472 IPC. After reaching the spot, SI Nirmal Singh found the appellant present there with motor cycle make Bajaj Platina of grey colour. The appellant tried to slip away by starting his motor cycle. However, he was overpowered by SI Nirmal Singh with the help of his fellow officials. The search of the bag of black colour carried by the appellant in his hand led to recovery of four bundles of currency notes of the denomination of Rs.1,000/- each. Three of those bundles contained 100 notes, while fourth bundle was found to contain 50 notes. The counterfeit currency was taken into possession. During the personal search of the appellant, currency notes of Rs.550/- were recovered from the pocket of his shirt and so also a mobile phone from the inner pocket of his jacket. Motor cycle make Platina bearing

No.PB-02BH-7689 was also taken into possession. The appellant could not produce any document regarding ownership of the motor cycle.

Further case of the prosecution is that on 15.1.2011, accused Sukhchain Singh @ Channa, who was confined in Central Jail, Amristar, was produced before the Ilaqa Magistrate and his police remand was obtained. Said Sukhchain Singh @ Channa suffered a disclosure statement that he had been dealing in the business of fake currency through his associates while being confined in Central Jail, Amristar and when he came to know about the arrest of the appellant, he had thrown the SIM cards used by him in a gutter of the jail. Subsequently, the appellant also suffered disclosure statement and, thereafter, got recovered five bundles of counterfeit currency notes of the denomination of Rs.1,000/- each on 19.1.2011. Four of those bundles contained 100 notes, while the fifth contained 50 notes. The five bundles were taken into possession. During the investigation, it was found that the motor cycle recovered from the possession of the appellant belonged to Mangal Singh, which had been stolen and in that regard, FIR No.35 dated 6.9.2010 under Section 379 IPC stood registered at Police Station Khalchian. Though the motor cycle was having registration No.PB-02BC-7209 but at the relevant time the plate bore registration number

as PB-02BH-7689.

Upon completion of investigation and presentation of challan followed by commitment of the case, the appellant and Sukhchain Singh @ Channa were charged for the aforementioned offences to which they pleaded not guilty and claimed trial.

In support of its case, the prosecution examined ASI Raman Kumar as PW1, SI Nirmal Singh as PW2, ASI Inderdeep Singh as PW3, HC Sukhanbir Singh as PW4, Mangal Singh as PW5, Inspector Gurinderpal Singh as PW6 and Sawinder Kaur as PW7.

When examined under Section 313 Cr.P.C. both the accused pleaded innocence. However, they did not examine any witness in their defence.

The trial Court believed the prosecution version qua the appellant and, accordingly, convicted and sentenced him as mentioned above. However, his co-accused Sukhchain Singh @ Channa was acquitted of the charges against him.

Having heard learned counsel for the parties and on going through the record of the case, this Court is of the considered view that the prosecution has been able to prove proved its case against the appellant beyond reasonable doubt. Pursuant to the secret information received by SI Nirmal Singh, the

appellant was apprehended and the search of the bag carried by him led to recovery of counterfeit currency notes worth Rs.3.50 lacs. Subsequently, he had suffered disclosure statement and got recovered counterfeit currency notes of the denomination of Rs.4.50 lacs. The witnesses examined by the prosecution fully supported the prosecution case. Despite being subjected to searching cross-examination by the accused, the substratum of the prosecution case could not be shattered. No material is available on the record which could show that any of the prosecution witnesses had any enmity against appellant. Merely because Raman Kumar who was an independent witness and was present at the time of the alleged recovery has not been examined by the prosecution is not sufficient to reject the prosecution case in its entirety. It has come on the record that said Raman Kumar had been won over by the accused. From the scientific evidence brought on record, it stands established that the currency notes recovered from the appellant were found to be counterfeit. Under these circumstances, no case is made out for any interference in the impugned judgment of conviction passed by the trial Court.

Coming to the quantum of sentence, it may be noticed that the appellant is facing the agony of criminal prosecution for the last more than four and half years. When the appellant was

examined by the trial Court under Section 235 Cr.P.C. he had stated that he was the only bread earner of his family, which consisted of his two small children and aged parents. As per the custody certificate already brought on record by the State counsel, the appellant had undergone an actual period of one year, eleven months and two days as on 16.8.2015. The appellant is not shown to be involved in any other criminal case whatsoever. Taking into consideration the totality of the circumstances, this Court is of the considered view that the remaining substantive sentence of imprisonment of the appellant deserves to be set aside.

Resultantly, the conviction of the appellant for the offences under Sections 489-C and 472 IPC is upheld. His substantive sentences of imprisonment on both counts are reduced to the one already undergone by him. The sentences of fine alongwith their default clauses are, however, maintained.

The appeal is, accordingly, disposed of.

September 23, 2015
amit rana

(T.P.S. MANN)
JUDGE