

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-3040-SB of 2014 (O&M)
Date of Decision : 29.04.2015

Gurnam Singh

.....Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Sandeep Arora, Advocate
for the appellant.

Mr. Gurveer Sidhu, AAG, Punjab.

R.P. Nagrath, J. (Oral)

The appellant faced trial of the charge for offence under Section 489-B of the Indian Penal Code (IPC) for being found in possession of 140 fake currency notes of the denomination of ₹ 500/- each. Learned trial Court convicted the appellant and awarded him the sentence to undergo rigorous imprisonment for five years and to pay fine of ₹ 5000/-, in default of making payment of fine to further undergo rigorous imprisonment for three months.

2. The prosecution story briefly stated is that;

On 19.03.2008, the police party headed by SI Jaswinder Pal Singh was going on a vehicle from village Saifabad towards village Aatti for checking of suspicious persons and patrolling. When they reached near the bridge of river Tahang, the appellant

was found coming on foot from village Aatti, who on seeing the police party tried to run away and was apprehended on suspicion. The appellant was holding a bag of black colour in his right hand and the same was checked. The bag was found containing 140 fake currency notes of the denomination of ₹ 500/- each. These fake currency notes were prepared into a parcel, Ex. PA. Intimation with regard to arrest of the appellant was also sent to the *Sarpanch* of the village of appellant. Investigating Officer also prepared rough site plan Ex. PD. On personal search, ₹ 200/- and one mobile phone were recovered from the appellant and these were taken into possession vide memo Ex. PF.

3. *Ruqa*, Ex. PB, was sent from the spot to the Police Station on the basis of which formal FIR, Ex. PC was registered.

4. The prosecution examined four witnesses in support of its case.

5. The appellant was examined under Section 313 Cr.P.C. and he denied all the incriminating circumstances appearing against him in the prosecution evidence and pleaded false implication. The appellant examined DW-1 C. Kanwal Pal Singh, who brought the DDR register and proved on record copy of DDR register Ex. DA.

6. The trial Court convicted and awarded the sentence upon the appellant as aforesaid.

7. I have heard learned counsel for the appellant, the State counsel and also gone through the record.

8. As stated by PW-2 Jaswinder Singh, Investigating Officer, the police party was on patrol duty for checking of suspicious persons on 19.03.2008 near the canal bridge of village Tahang. The appellant was found coming on foot from village Aatti, who tried to retreat back but was apprehended on suspicion. On search of the appellant in the presence of other members of police party a bag which he was holding in his right hand was recovered. That bag was opened and it was found containing 140 currency notes of the denomination of ₹ 500/-. It was found that 49 notes were of series 6BB466423, 43 notes of 2HM663806, 39 notes 7BB748186, 3 notes of OAL846315, 2 notes of SCR511003, 2 notes of 7BS613713, 1 note of 4AP821420 and 1 note of JBM852126. These were made into a packet and sealed with seal bearing impression 'JS' of the investigating officer. He also prepared a specimen seal impression and seal after use was handed over to SI Om Parkash.

9. The testimony of investigating officer is further supported by PW-3 SI Om Parkash, the other member of police party.

10. Both these witnesses were extensively cross-examined but there is nothing to suspect their testimony. There was no allegation of prior enmity of both these witnesses against the appellant to falsely implicate him for such a serious matter of recovery of huge amount of fake currency notes. The evidence led in defence has not been referred by the learned defence counsel obviously because it does not bring any circumstance in support of the plea of innocence.

11. The case property was also produced during examination of PW-2, the investigating officer as Ex. P-1 to Ex. P-140, the currency notes. The currency notes recovered from the appellant were sent for examination by the Forensic Science Laboratory (FSL) by also dispatching the genuine currency note of ₹ 500/- (Ex. P-141). Vide report (Ex. PG) of the FSL, these currency notes were found to be not genuine. There cannot be any challenge to the above opinion as so many number of the currency notes of same denomination were found bearing same number.

12. There is no discrepancy pointed out by learned counsel for the appellant for bringing any suspicion to the story nor any defect in the case property produced in support of the prosecution case. Rest of the evidence produced by the prosecution pertain to sending of the sealed parcel containing fake currency notes to the FSL. The only suggestion and defence plea set up by the appellant was that he was arrested from his house in village Rihana and false recovery was planted. That defence plea was rightly rejected by the learned lower court in view of the authentic evidence in proof of the charge.

13. I, therefore, find the conviction was rightly recorded by the trial Court and appeal against the conviction deserves to be dismissed.

14. As per custody certificate dated 18.02.2015, the appellant has already undergone about 4 years and 10 months of imprisonment out of the total sentence of 5 years of imprisonment awarded by the trial Court by including the period of remissions. So the appellant has

almost completed the sentence awarded to him. I would rather observe that the sentence awarded to the appellant is already on the lower side. There is, thus, no question of any reduction in the sentence.

15. Learned counsel for the appellant at the end has made submission that the sentence awarded to the appellant in the instant case may be directed to run concurrently with the other case against him. That conviction in the other case was recorded by the trial Court on 01.05.2012 whereas the decision of the trial Court in the instant case is dated 27.03.2012. So, whatever prayer is legally sustainable in this regard for concurrent running of sentences may be made in the appeal against that judgment which is statedly pending.

16. In view of the above, the instant appeal is dismissed in toto even maintaining the imposition of fine and the default clause.

April 29, 2015
jk

(R.P. NAGRATH)
JUDGE